

Exhibit 3

Attorney's Docket No. 42129.6
Customer No. 27683

System and Method of On-line Advertising

Cross Reference to Related Applications

[0001] This application claims the benefit of the filing date of U.S. patent application number 61/163,132, attorney docket number 42129.4, filed on March 25, 2009, the disclosure of which is incorporated herein by reference.

Background

[0002] Internet advertising companies seek to find effective advertising methods to promote products and services to potential customers. One advertising method is displaying banner advertisements to recipients as part of a web page including images, text, and/or video promoting certain product and services. Banner advertisements are typically displayed to recipients to the web page hosting the banner, along with other information displayed by the content provider for the web page. A second internet advertising method is sending e-mail messages to potential customers. E-mail messages typically include images, text, and/or video promoting certain products and services, and generally allow more information to be conveyed than banners. E-mail messages that are not solicited by the recipient are much less effective as an advertising method than e-mails specifically requested by the recipient. Sending unsolicited emails raises the risks associated with non-encrypted electronic transmissions, spam filters, and the sharing of e-mail addresses without permission.

[0003] Both of the above advertising methods carry the risk on pushing numerous advertisements to potential customers that are not relevant or desired by the recipient. As a result, the potential customer builds an unfavorable image of the advertiser pushing such unwanted advertisements, or the vendor whose product and services are featured. For these reasons, certain vendors may be hesitant to participate in internet advertising. What is needed is a system and method of gathering a recipient's email address, or other preferred information delivery method, and sending targeted advertisements via this delivery method in response to the recipient's subsequent requests for information made through simple interactions with a banner advertisement while browsing the Internet.

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Brief Description of the Drawings

[0004] Fig. 1 is a diagrammatic illustration of a system according to an exemplary embodiment.

[0005] Fig. 2 is an illustration of a browser interface for interaction with a banner advertisement according to an exemplary embodiment.

[0006] Fig. 3 is a flow chart illustration of an online advertisement delivery process conducted using the system of Fig. 1.

[0007] Fig. 4 is a flow chart illustration of an online recipient tracking process conducted using the system of Fig. 1.

[0008] Fig. 5 is a diagrammatic illustration of a node for implementing one or more exemplary embodiments of the present disclosure.

Detailed Description

[0009] In an exemplary embodiment, as illustrated in Fig. 1, an advertising system 100 is shown. The advertising system 100 includes a network 102, which is preferably the Internet but may be a private intranet, a local area network (LAN), a wide area network (WAN), an adhoc network, cellular network including CDMA, GSM, and UMTS, a cable network, DSL network, fiber network, WiMAX network, or a combination of some or all of these networks, or any other suitable network. Communicating with and over the network 102 are a variety of servers, clients, and databases. The servers include a banner server 108, an e-mail advertisement server 110, a web page server 116, and an analytics server 120. Each of these servers may be implemented using hardware, software, or a combination of the two. The servers 108, 110, 116, 120 may be separate from one another, or some or all of them may share computing resources such as data storage, network access, processing resources, memory, operating systems, virtual servers, software libraries, and the like. The servers may be controlled by one entity, or they may be under the control of separate entities. For example, the web page server 116 may be controlled by a web page content provider, while the banner server 106, the e-mail advertisement server 108, and the analytics server 120 may be controlled by an Internet marketing company.

[0010] The analytics server 110 is operably coupled to, and in communication with the network 102. The analytics server 110 performs tracking of visitor interaction with

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banner advertisements and e-mail advertisements. The tracking data gathered by the analytics server 110 may be used by advertisers for business intelligence and financial analysis purposes, and to improve the delivery of advertising material.

[0011] The clients include a client 112 and an e-mail client 114. A visitor's or other recipient's computing device 104 is operably coupled to, and in communication with, the client 112 and the e-mail client 114. In an exemplary embodiment, the visitor's computing device 104 is any device capable of receiving and displaying a network communication over the network 102. In several exemplary embodiments, the visitor's computing device 104 is a personal computer, interactive display device, mobile device, or the like. In an exemplary embodiment, the client 112 is web browser software executing on a personal computer, for example Microsoft Internet Explorer, Google Chrome, Mozilla Firefox, Apple Safari, or any other suitable web browser.

[0012] The banner server 104 provides advertising content to the browser client 112 and/or the web page server 116. The banner server 108 may include multiple servers that provide redundant serving capacity for advertising content, and a server may be selected to provide advertising content to a particular recipient based on the geographic location of the recipient. In this way, the banner server 108 that is logically or physically nearest to the recipient can deliver the requested advertising content. The advertising content may be provided via hypertext transfer protocol or any other suitable protocol.

[0013] During operation of the system 100, the browser client 112 communicates with one or more of the servers. As one example, the browser client 112 may request a web page or other network communication containing advertising content from the web page server 116. In response, the web page server 116 provides the web page or other network communication and directs the browser client 112 to request advertising content from the banner server 108. The banner server 108 then sends a banner advertisement that allows the recipient to request additional information about the product or service being displayed on the banner. In an exemplary embodiment, this additional information is delivered to the recipient as an e-mail that the recipient has logged and registered through previous interaction with banner advertisements.

[0014] In an exemplary embodiment, the provider of the banner advertisement determines the content and format of the e-mail pushed to recipient based on the topic of the banner advertisement or preferences previously logged by the recipient. In this

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way, the system 100 allow the recipient to request or subscribe to delivery of information about specific products and services and to be matched with vendor that wishes to market those types of products and services.

[0015] In an exemplary embodiment, the provider of the banner advertisement generates a fee to be paid by the vendor of the product or service when the banner advertisement is shown to the recipient and/or when the recipient requests additional information. In an exemplary embodiment, the number of times the banner advertisement is shown and the number of times a recipient requests additional information is tracked and recorded by the analytics server 120.

[0016] In an exemplary embodiment, the analytics server 120 tracks recipient behavior and measures the visitor's and other recipient's response to a variety of banner advertisements. The results of tracking this behavior can be used by advertisers to predict the banner advertisement content that will most likely lead to a sale of a product or service. The tracking may also track the content of the web page or other network communication displayed in connection with the banner advertisement, self-reported information from the recipient, and records of previous purchases or Internet activities stored within cookies or other identifiers retained on the visitor's computing device 104. Advertisers may also use this behavior tracking to generate demographic profiles of recipients and to customize advertisement of products or services to future visitors based on those profiles.

[0017] Fig. 2 illustrates a browser interface 150 for interaction with banner advertisements 154 and 166 according to an exemplary embodiment. In an exemplary embodiment, the browser interface 150 is displayed on the visitor's computing device 104 by the browser client 112. The browser interface 150 includes an address bar 152, website navigation 160, website content 162, and banner advertisements 154 and 166. In an exemplary embodiment, the website navigation 160 and the website content 162 are provided by a third party owner of the web page associated with the domain name in the address bar 152.

[0018] Banner advertisements 154 and 166 can be displayed as a shape with any given dimensions, and may even change dimensions, but are typically rectangular areas anchored to a specific area on a web page or network communication. The banner advertisements 154 and 166 provide the visitor with a variety of information

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corresponding to various products from any number of vendors. In an exemplary embodiment, the banner advertisements 154 and 166 allow the visitor or other recipient to request additional information be delivered to the recipient by the advertiser, the vendor of the advertised products and services, or another third party. In an exemplary embodiment, the banner advertisements 154 and 166 supply information regarding sales, comparisons, new features, and other types of advertising messages.

[0019] In an exemplary embodiment, the banner advertisement 154 allows a recipient to request an email or other electronic communication be sent to the recipient's email address containing information about the product or service advertised. In an exemplary embodiment, recipients interact with banner advertisements 154 and 166 by interacting with interactive elements within the banner advertisements such as areas denoted by a logo 156 and 164. The interactive logos 156 and 164 can be resident in an existing banner of any size. When activated, the interactive logos 156 and 164 provide an interface option to allow a recipient to provide contact information or automatically send advertising or other information to the recipient's email address, or other contact method, without immediately delivering such information in the browser client 112.

[0020] Visitors and other recipients may activate interactive logos 156 or 164 by clicking, hovering over the interactive logos 156 or 164 for a predetermined time, or other known method or activation. In one embodiment, a visitor has not previously interacted with the system 100. In this embodiment, activating interactive logo 156 causes an interface option, such as a text field 158, to appear.

[0021] Visitors and other recipients may type in contact information, such as an email address into a text field 158. In an exemplary embodiment, the recipient initiates an e-mail registration process by entering his email address into the text field 158. The recipient may then complete the e-mail registration process by selecting an opt-in option in a confirmation email that is sent to the recipient's email address. The recipient may be warned the confirmation email might be delivered to his spam box. After the recipient completes the e-mail registration process through the confirmation email; a cookie or other identifier is placed on the recipient's computer. The placement of cookie allows enhanced interaction between the recipient and the banner advertisement 154 and 166, as further described below.

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[0022] In several exemplary embodiments, when the cookie other identifier is present and the recipient subsequently clicks or mouse over banner advertisement 154, code within the banner will trigger the delivery preferences 168 to give the option to the recipient to subscribe to regular periodic delivery of additional information regarding the subject of the banner advertisement 154. In an exemplary embodiment, the information preferences 168 in banner advertisement 154 include a radio button with types of additional information that the recipient may select, such as "newsletter," "sales," and/or "special offers."

[0023] In an exemplary embodiment, recipients have previously registered their email address through the online registration mechanism described above by way of text balloon 158 to activate the clickable logos 156 and 164. In this way, banner advertisements 154 and 166 deliver advertising or other information in a timely and unobtrusive manner without the recipient leaving the website hosting the banner advertisements 154 or 166 or otherwise interrupting the recipient's browsing.

[0024] In an exemplary embodiment, after completing the registration process and placing the cookie, the recipient may mouse over the banner advertisement 166 and select a delivery preference 170 to have the additional information delivered via text message, browser, or instant messaging service.

[0025] Referring now to Fig. 3, with continuing reference to Fig.1 and Fig. 2, an example operational process 200 for delivering online advertisements is shown. At step 202, the banner advertisement 154 or 166 is presented to the recipient's browser client 112 by the banner server 108. At step 204, the banner server 108 determines whether or not the recipient can be recognized by a cookie or other identifier placed on the visitor's computing device 104.

[0026] If the recipient is recognized, the banner server 108 loads the recipient preferences from the visitor information database 106. If the recipient is not recognized, the recipient is presented an interface option, such as a text field 158, in the banner advertisement 154 or presented a delivery method preference selection 170 in the banner advertisement 166. At step 210, additional information is delivered to the visitor's browser client 112, the visitor's e-mail client 114, or via other means to the to visitor's computing device 104. In an exemplary embodiment, the recipient remains able

to interact with the entire webpage displaying the banner advertisement 154 or 166 without pop-up of additional web pages, network communications, or other interruption.

[0027] At step 212, the recipient is given the option to enter delivery preferences for future deliveries of additional information. In an exemplary embodiment, these preferences include an option to subscribe to further e-mailings from certain selected vendors and advertisers. In another exemplary embodiment, these preferences include an option to subscribe to further e-mailings regarding certain selected types of products or services, irrespective of the vendor. In this way, the process 200 targets advertising to potential consumers who have opted-in to receive it.

[0028] At step 214, the process determines whether or not a response to the request for delivery preferences has been received. If a response is not received from the recipient, the process returns to step 202. At step 216, if the recipient enters delivery preferences, the preferences are received and stored in the recipient information database 106 and a cookie is placed on the visitor's computing device 104 so that the recipient will be recognized by the process 200 in the future.

[0029] Referring now to Fig. 4, with continuing reference to Fig. 1 and Fig. 2, an example operational process 300 for tracking recipients is shown. At step 312, a banner advertisement 154 or 170 is presented to the recipient's browser client 112 by the banner server 108 during a visit to a third party network communication provided by the web page server 116.

[0030] At step 316, a mouseover action on top of the banner advertisement 154 is detected by the banner server 108 or the web page server 116. At step 318, an interface option, such as the text field 158, is presented, opened or activated on the banner advertisement 154. At step 320, using his or her browser client 112, the recipient enters his or her email address into the text field 158. At step 322, the email advertisement server 110 send a confirmation email to the recipient's email client 114 using the entered email address.

[0031] The confirmation email may also contain an option to create a user profile for the recipient. In an exemplary embodiment, to create the profile, the recipient may enter additional preferences and contact information in the confirmation email, such as a name, a cellular phone number or an instant message screen name. In an exemplary embodiment, the use profile is stored on the visitor information database 106. In several

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exemplary embodiments, the user profile allows a recipient to opt-in to future updates concerning the advertised product or to allow future email marketing on related items that match the recipient's demographic or request history. In an exemplary embodiment, once a recipient has created a profile, the recipient can manage the user profile by interaction with another website manages by the advertiser or a third party. In an exemplary embodiment, management includes changing privacy and contact preferences. Subject to the preferences set on the user profile, the recipient's contact information is sent to any number of advertisers or vendors.

[0032] The website used to manage the recipient's user profile may also record the types of information sent by advertisers to the recipient, or act as a delivery service for said information. The cookie and/or website may also track and record the number of successful clicks and click-through percentage for banner advertisements 154 and 166 in order to send relevant information to vendors. In an exemplary embodiment, the vendor of the product or services pays the vendor based on the interactions of recipient with the banner advertisements 154 and 166.

[0033] At step 324, a cookie or other identifier is placed on the visitor's computing device 104 contain unique identifying information for that recipient.

[0034] At step 326, a mouseclick action on top of logo 156 or 164 within the banner advertisement 154 or 166 is detected by the banner server 108 or the web page sever 116. At step 328, the banner server 108 determines whether or not a cookie or other identifier containing unique identifying information for the recipient has been placed on the visitor's computing device 104. If no cookie is present, additional information regarding the subject of the banner advertisement 154 or 166 is displayed to the recipient's browser client 112.

[0035] At step 332, if a cookie is present on the visitor's computing device 104, the additional advertising information is sent to the e-mail client 114. At the step 334, the recipient's request for additional advertising information is recorded by the analytics server 120. In an exemplary embodiment, the data recorded by the analytics server 120 is associated with the unique identifying information stored in the cookie, allowing recipient's individual interactions with banner advertisements 154 and 166 to be tracked. At step 336, this recording and recipient tracking data gathered by the analytics server 120 may be shared with third party vendors or other advertisers. In an exemplary

embodiment, the recipient may select which vendors have access to this data by adjusting settings in his or her user profile.

[0036] Referring to Fig. 5, an illustrative node 500 for implementing one or more embodiments of the present disclosure is depicted. Node 500 includes a microprocessor 502, an input device 504, a storage device 506, a video controller 508, a system memory 510, and a display 514, and a communication device 516 all of which are operably coupled to one another by one or more buses 512. The storage device 506 could include any type of computer readable medium. The storage device 506 could be a floppy drive, hard drive, CD-ROM, optical drive, or any other form of storage device. In addition, the storage device 506 may be capable of receiving a floppy disk, CD-ROM, DVD-ROM, or any other form of computer-readable medium that may contain computer-executable instructions. Further, the communication device 516 could be a modem, network card, wireless chipset, or any other device to enable the node to communicate with other nodes. It is understood that any node could represent a plurality of interconnected (whether by intranet or Internet) computer systems, including without limitation, personal computers, mainframes, PDAs, and cell phones. In several exemplary embodiments, the node 500 and/or one or more components thereof, including one or more of the microprocessor 502, the input device 504, the storage device 506, the video controller 508, the system memory 510, the display 514, and the communication device 516, and/or any combination thereof, are distributed throughout the system 100 and/or one or more components thereof, and/or any combination thereof.

[0037] In an exemplary embodiment, the visitor's computing device 104, and each of the servers 108, 110, 116, and 120 is a node 500.

[0038] The system 100 includes at least hardware capable of executing machine readable instructions, as well as the software for executing acts (typically machine-readable instructions) that produce a desired result. In addition, the system 100 may include hybrids of hardware and software, as well as computer sub-systems.

[0039] Hardware generally includes at least processor-capable platforms, such as client-machines (also known as personal computers or servers), and hand-held processing devices (such as smart phones, portable computing devices, or personal computing devices (PCDs), for example). Further, hardware may include any physical

device that is capable of storing machine-readable instructions, such as memory or other data storage devices. Other forms of hardware include hardware sub-systems, including transfer devices such as modems, modem cards, ports, and port cards, for example. Software includes any machine code stored in any memory medium, such as RAM or ROM, and machine code stored on other devices (such as floppy disks, flash memory, or a CD ROM, for example). Software may include source or object code, for example. In addition, software encompasses any set of instructions capable of being executed in a client machine or server. Combinations of software and hardware could also be used for providing enhanced functionality and performance for certain embodiments of the present disclosure. One example is to directly manufacture software functions into a silicon chip. Accordingly, it should be understood that combinations of hardware and software are also included within the definition of a computer system and are thus envisioned by the present disclosure as possible equivalent structures and equivalent methods.

[0040] Computer-readable mediums include passive data storage, such as a random access memory (RAM) as well as semi-permanent data storage such as a compact disk read only memory (CD-ROM). In addition, an embodiment of the present disclosure may be embodied in the RAM of a computer to transform a standard computer into a new specific computing machine.

[0041] Data structures are defined organizations of data that may enable an embodiment of the present disclosure. For example, a data structure may provide an organization of data, or an organization of executable code.

[0042] The system 100 may be designed to work on any specific architecture. For example, the system may be executed on a single computer, local area networks, client-server networks, wide area networks, internets, hand-held and other portable and wireless devices and networks.

[0043] The visitor information database 106, and any other database described, may be any standard or proprietary database software, such as Oracle, Microsoft Access, SyBase, or dBase II, for example. The database may have fields, records, data, and other database elements that may be associated through database specific software. Additionally, data may be mapped. Mapping is the process of associating one data entry with another data entry. For example, the data contained in the location of a character

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file can be mapped to a field in a second table. The physical location of the database is not limiting, and the database may be distributed. For example, the database may exist remotely from the server, and run on a separate platform. Further, the database may be accessible across the Internet. Note that more than one database may be implemented.

[0044] A method has been described that includes displaying to a recipient an advertisement associated with a first party that contains an interactive element displayed within the advertisement in a network communication associated with a second party, displaying an interface option within the advertisement as a result of an interaction by the recipient with the interactive element, receiving contact information in the interface option from the recipient, and storing the contact information in a database.

[0045] A method has been described that includes displaying a second interface option within the advertisement, wherein the second interface option displays a delivery preference selectable by the recipient, receiving the delivery preference in the second interface option, and storing the delivery preference in a database.

[0046] A method has been described that includes displaying, to the recipient, a second advertisement associated with a third party that contains a second interactive element within the second advertisement in a second network communication associated with a fourth party, receiving an input from the recipient in the second interactive element, wherein the recipient remains able to interact with the entire portion of the Web page, querying a cookie or other identifier stored on a computer associated with the recipient, identifying an email address associated with the cookie, and sending advertising information to the email address.

[0047] A computer readable medium has been described that includes a plurality of instructions including instructions for displaying to a recipient an advertisement associated with a first party that contains an interactive element displayed within the advertisement in a network communication associated with a second party, instructions for displaying an interface option within the advertisement as a result of an interaction by the recipient with the interactive element, instructions for receiving contact information in the interface option from the recipient, and instructions for storing the contact information in a database.

[0048] A system been described that includes a an advertisement associated with a first party on a network communication associated with a second party, an interactive

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element displayed within the advertisement as a result of an interaction by the recipient with the interactive element, an interface option within the advertisement to receive contact information from the recipient; and a database to store the contact information.

[0049] In several exemplary embodiments, the elements and teachings of the various illustrative exemplary embodiments may be combined in whole or in part in some or all of the illustrative exemplary embodiments. In addition, one or more of the elements and teachings of the various illustrative exemplary embodiments may be omitted, at least in part, and/or combined, at least in part, with one or more of the other elements and teachings of the various illustrative embodiments.

[0050] In several exemplary embodiments, while different steps, processes, and procedures are described as appearing as distinct acts, one or more of the steps, one or more of the processes, and/or one or more of the procedures may also be performed in different orders, simultaneously and/or sequentially. In several exemplary embodiments, the steps, processes and/or procedures may be merged into one or more steps, processes and/or procedures.

[0051] In several exemplary embodiments, one or more of the operational steps in each embodiment may be omitted. Moreover, in some instances, some features of the present disclosure may be employed without a corresponding use of the other features. Moreover, one or more of the above-described embodiments and/or variations may be combined in whole or in part with any one or more of the other above-described embodiments and/or variations.

[0052] Although several exemplary embodiments have been described in detail above, the embodiments described are exemplary only and are not limiting, and those skilled in the art will readily appreciate that many other modifications, changes and/or substitutions are possible in the exemplary embodiments without materially departing from the novel teachings and advantages of the present disclosure. Accordingly, all such modifications, changes and/or substitutions are intended to be included within the scope of this disclosure as defined in the following claims. In the claims, means-plus-function clauses are intended to cover the structures described herein as performing the recited function and not only structural equivalents, but also equivalent structures.

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Claims

What is claimed is:

1. A method for delivering an online advertisement comprising:
displaying, in a network communication delivered to a recipient, an advertisement associated with a first party, wherein the advertisement contains an interactive element displayed within the advertisement, and wherein the network communication is associated with a second party;
displaying, as a result of an interaction by the recipient with the interactive element, an interface option within the advertisement;
receiving contact information in the interface option from the recipient; and
storing the contact information in a database.
2. The method of claim 1, wherein the interface option is a text field that is displayed within the advertisement.
3. The method of claim 1, wherein the contact information is an email address associated with the recipient.
4. The method of claim 1, further comprising sending a confirmation message to the recipient using the contact information.
5. The method of claim 1, further comprising:
displaying a second interface option within the advertisement, wherein the second interface option displays a delivery preference selectable by the recipient;
receiving the delivery preference in the second interface option; and
storing the delivery preference in a database.
6. The method of claim 1, further comprising:
displaying, in a second network communication to the recipient, a second advertisement associated with a third party that contains a second interactive element

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within the second advertisement, wherein the second network communication is associated with a fourth party;

receiving an input from the recipient in the second interactive element, wherein the second network communication is still displayed to the recipient after the input is received;

querying an identifier stored on a computer associated with the recipient;

identifying an email address associated with the identifier; and

sending advertising information to the email address.

7. The method of claim 6, wherein the identifier is stored in response to a confirmation message sent to the recipient using the contact information.

8. The method of claim 6, wherein the email address is entered by the recipient in response to a confirmation message sent to the recipient using the contact information.

9. A plurality of instructions stored on the computer readable medium for execution by a processor, the plurality of instructions comprising:

instructions for displaying, in a network communication delivered to a recipient, an advertisement associated with a first party, wherein the advertisement contains an interactive element displayed within the advertisement, and wherein the network communication is associated with a second party;

instructions for displaying, as a result of an interaction by the recipient with the interactive element, an interface option within the advertisement;

instructions for receiving contact information in the interface option from the recipient; and

instructions for storing the contact information in a database.

10. The plurality of instructions of claim 9, wherein the interface option is a text field that is displayed within the advertisement.

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11. The plurality of instructions of claim 9, wherein the contact information is an email address associated with the recipient.

12. The plurality of instructions of claim 9, further comprising instructions for sending a confirmation message to the recipient using the contact information.

13. The plurality of instructions of claim 9, further comprising:
instructions for displaying a second interface option within the advertisement, wherein the second interface option displays a delivery preference selectable by the recipient;
instructions for receiving the delivery preference in the second interface option;
and
instructions for storing the delivery preference in a database.

14. The plurality of instructions of claim 9, further comprising:
instructions for displaying, in a second network communication to the recipient, a second advertisement associated with a third party that contains a second interactive element within the second advertisement, wherein the second network communication is associated with a fourth party;
instructions for receiving an input from the recipient in the second interactive element, wherein the second network communication is still displayed to the recipient after the input is received;
instructions for querying an identifier stored on a computer associated with the recipient;
instructions for identifying an email address associated with the identifier; and
instructions for sending advertising information to the email address.

15. The method of claim 14, wherein the identifier is stored in response to a confirmation message sent to the recipient using the contact information.

16. The method of claim 14, wherein the email address is entered by the recipient in response to a confirmation message sent to the recipient using the contact information.

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17. A advertising system comprising:
 - an advertisement associated with a first party displayed on a network communication associated with a second party;
 - an interactive element displayed within the advertisement as a result of an interaction by the recipient with the interactive element;
 - an interface option within the advertisement to receive contact information from the recipient; and
 - a database to store the contact information.

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Abstract

A system and method according to which an advertisement associated with a first party that contains an interactive element displayed within the advertisement is displayed to a recipient in a network communication associated with a second party, an interface option within the advertisement is displayed as a result of an interaction by the recipient with the interactive element, contact information in the interface option is received from the recipient, and the contact information is stored in a database.

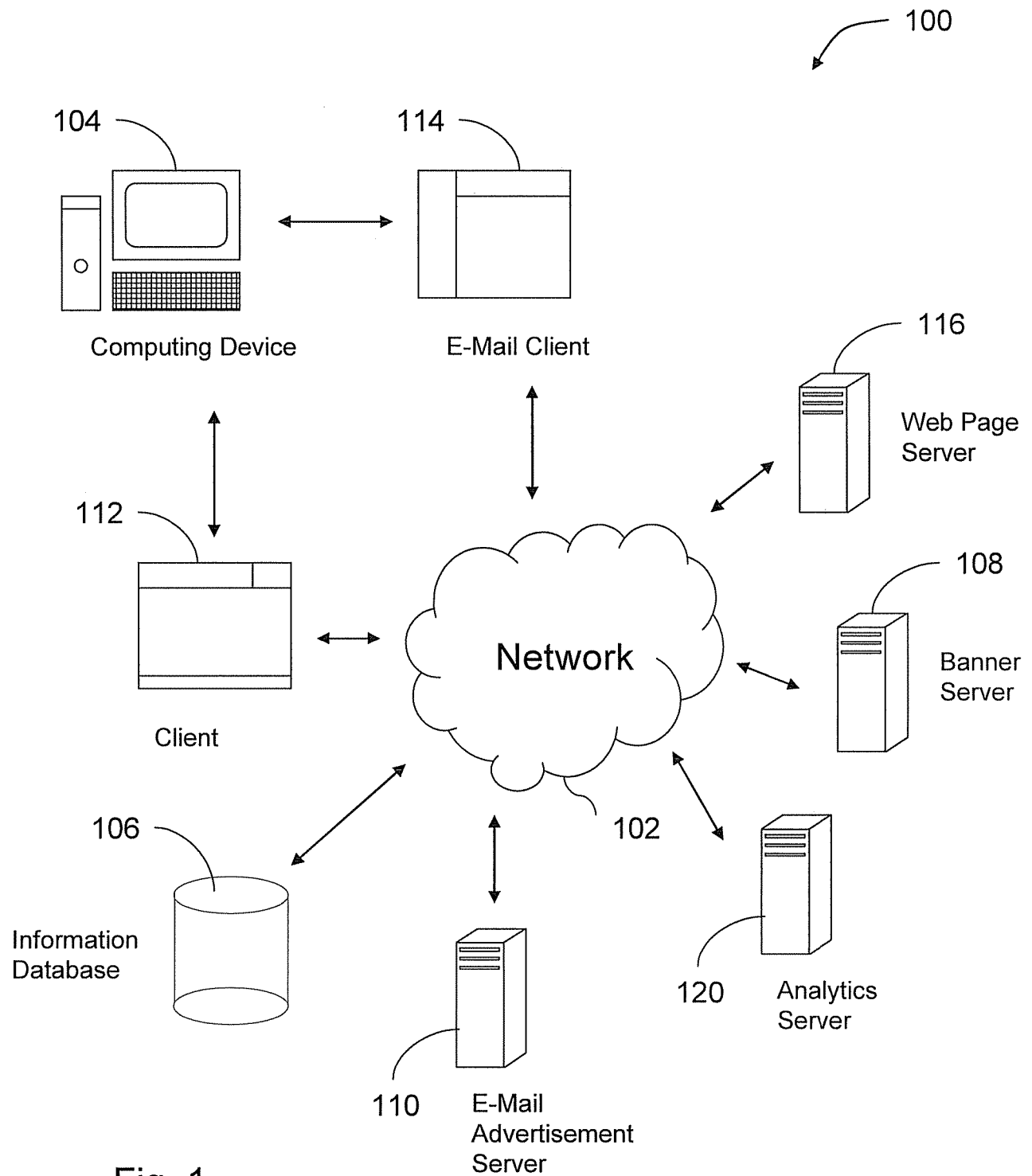


Fig. 1

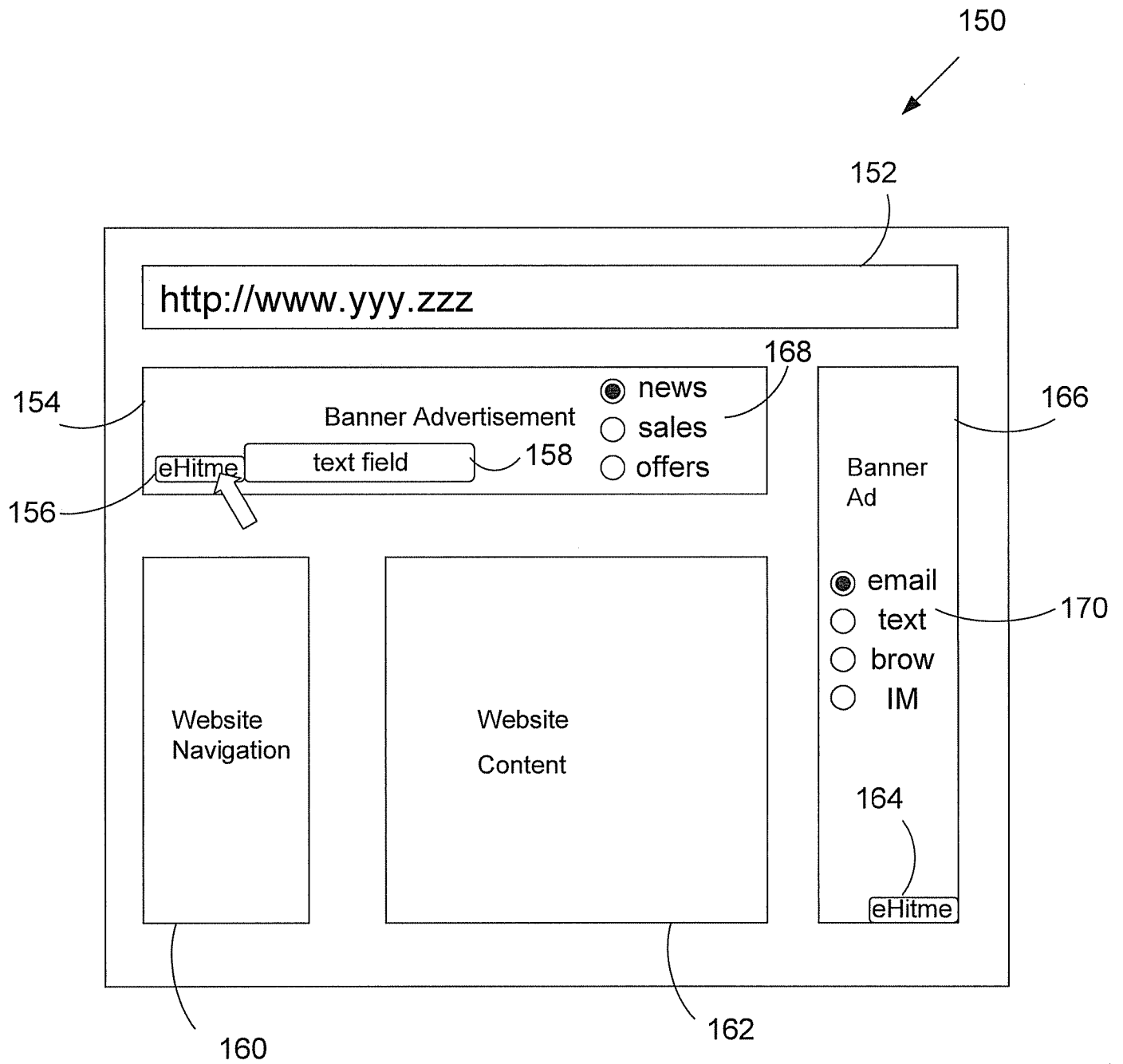


Fig. 2

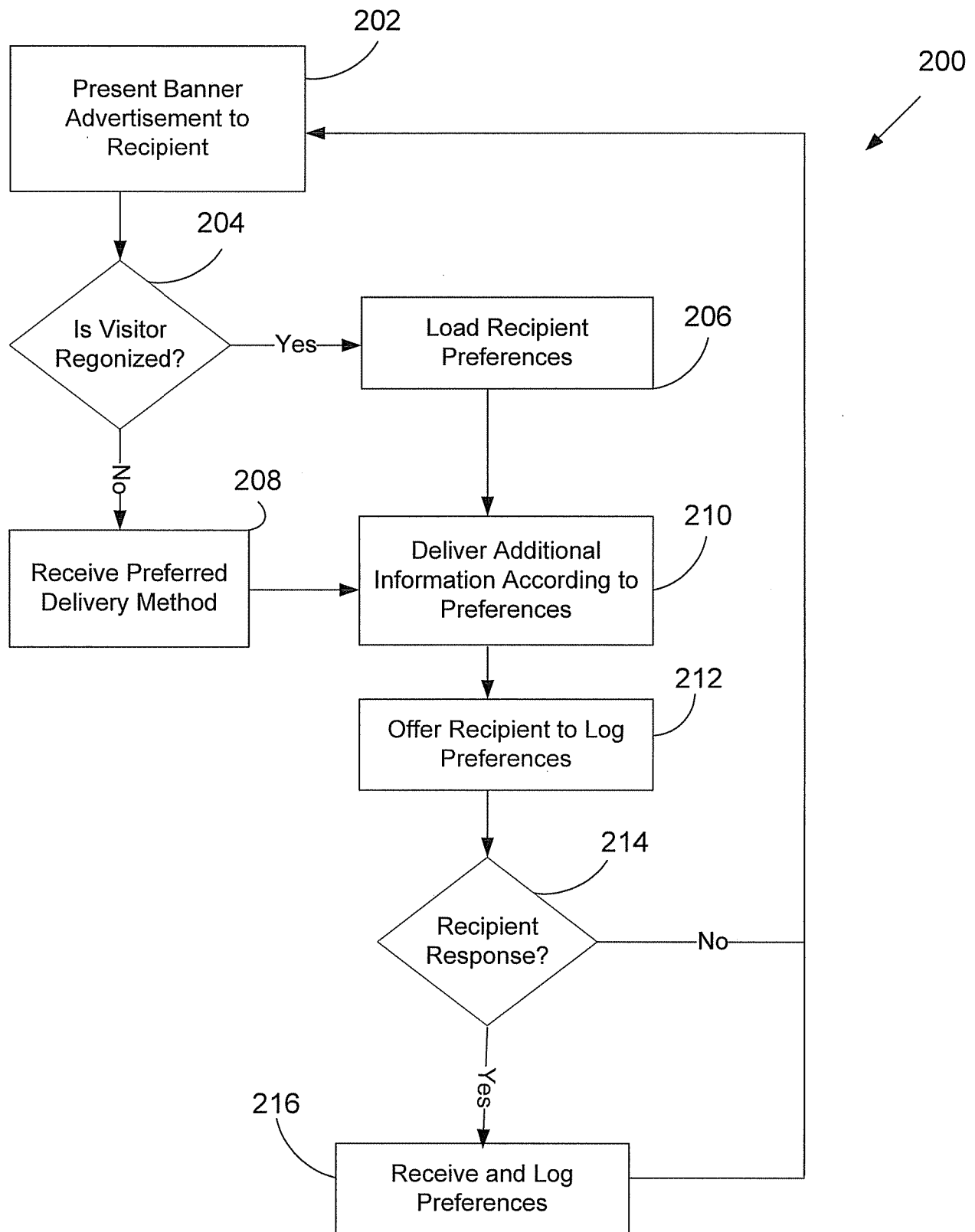


Fig. 3

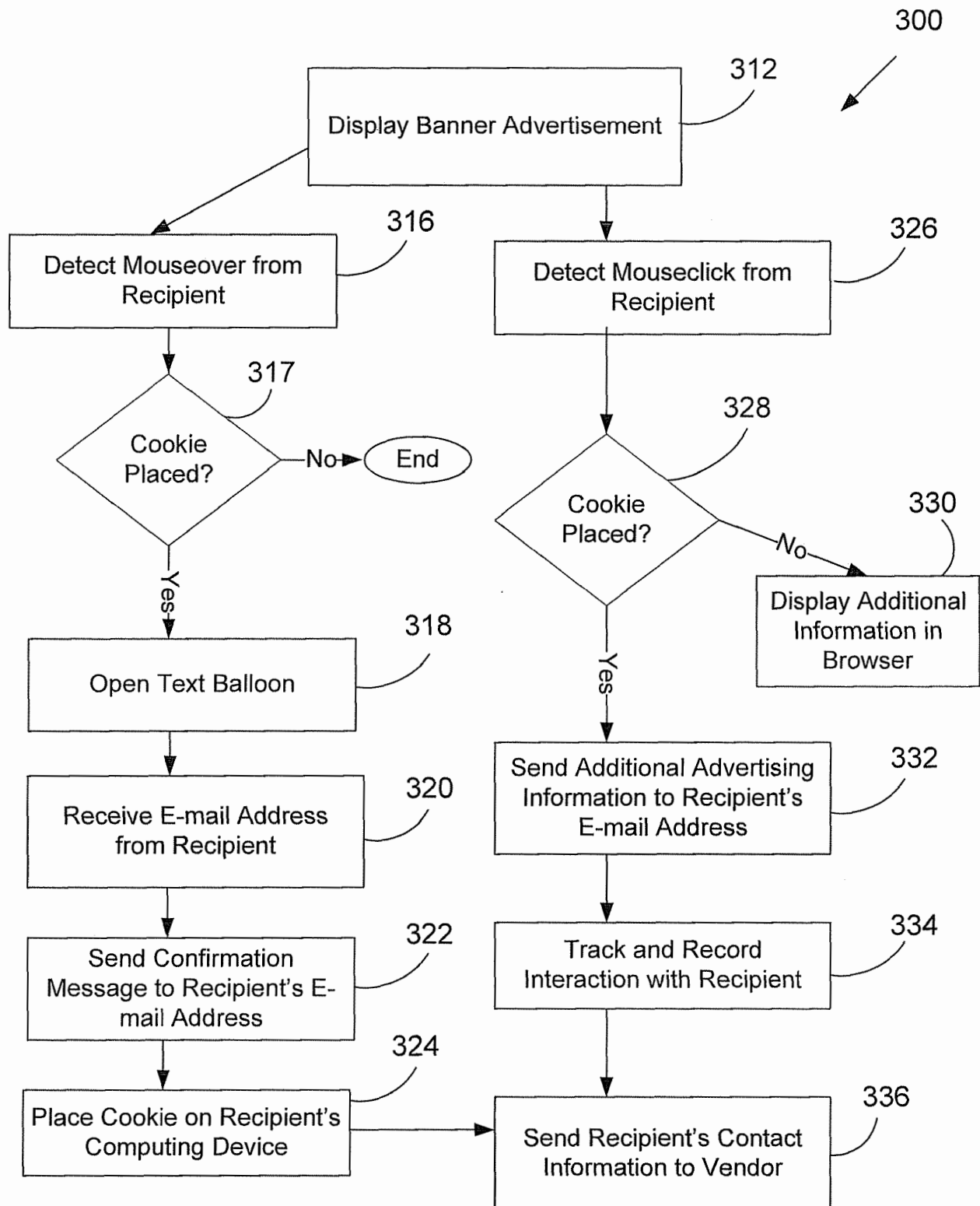


Fig. 4

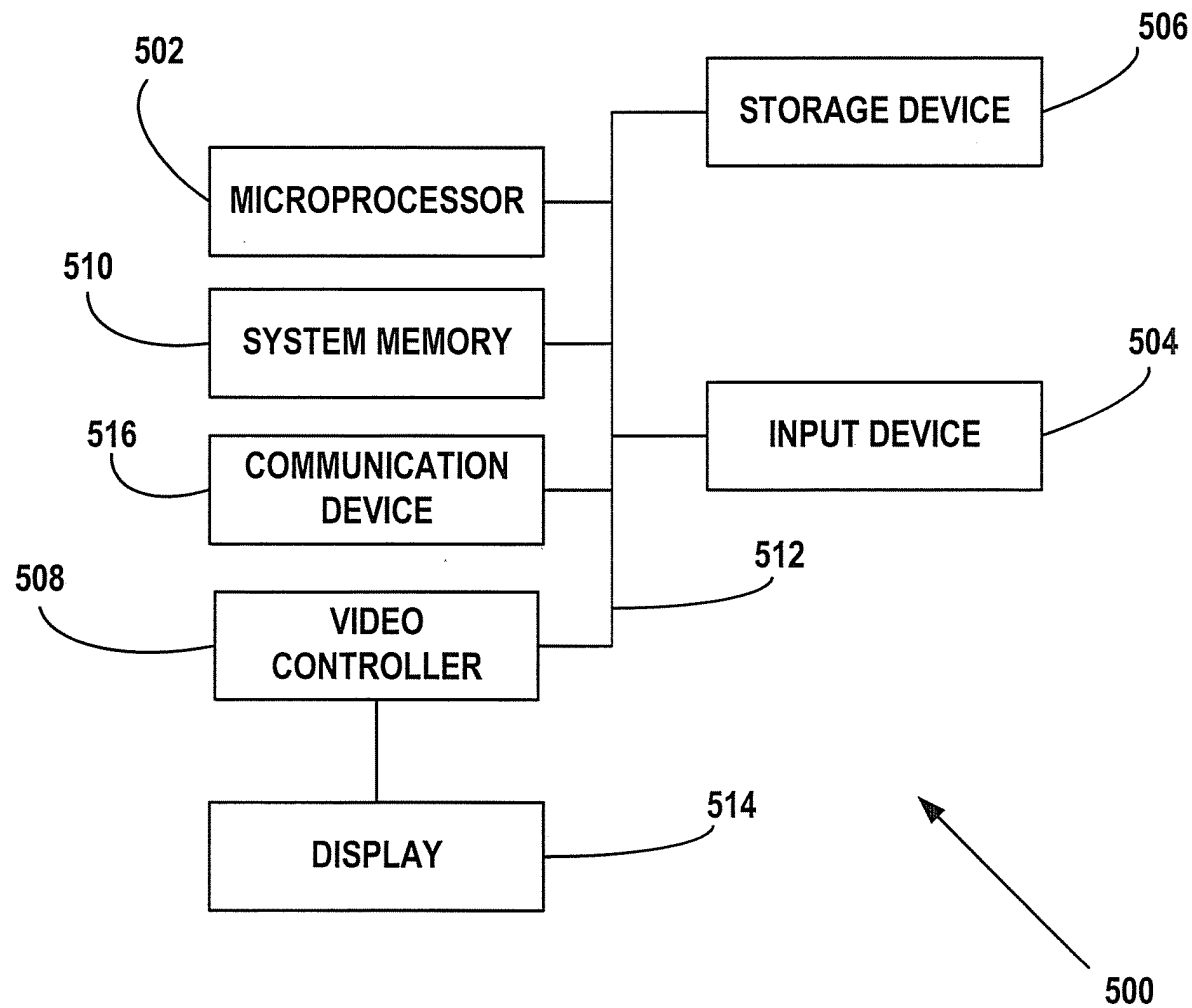


Fig. 5

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	42129.6
		Application Number	
Title of Invention	System and Method of On-line Advertising		
<p>The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76. This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.</p>			

Secrecy Order 37 CFR 5.2

☐ Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)

Applicant Information:

Applicant 1						Remove	
Applicant Authority		<input checked="" type="radio"/> Inventor		<input type="radio"/> Legal Representative under 35 U.S.C. 117		<input type="radio"/> Party of Interest under 35 U.S.C. 118	
Prefix	Given Name	Middle Name		Family Name		Suffix	
	Timothy	L.		Booth			
Residence Information (Select One) <input checked="" type="radio"/> US Residency <input type="radio"/> Non US Residency <input type="radio"/> Active US Military Service							
City	Murphy	State/Province	TX	Country of Residence i		US	
Citizenship under 37 CFR 1.41(b) i		US					
Mailing Address of Applicant:							
Address 1		1219 Whitestone Drive					
Address 2							
City	Murphy	State/Province		TX			
Postal Code	75094	Country i		US			
Applicant 2						Remove	
Applicant Authority		<input checked="" type="radio"/> Inventor		<input type="radio"/> Legal Representative under 35 U.S.C. 117		<input type="radio"/> Party of Interest under 35 U.S.C. 118	
Prefix	Given Name	Middle Name		Family Name		Suffix	
	Shawn			Sandifer			
Residence Information (Select One) <input checked="" type="radio"/> US Residency <input type="radio"/> Non US Residency <input type="radio"/> Active US Military Service							
City	Frisco	State/Province	TX	Country of Residence i		US	
Citizenship under 37 CFR 1.41(b) i		US					
Mailing Address of Applicant:							
Address 1		6624 Longhorn Trail					
Address 2							
City	Frisco	State/Province		TX			
Postal Code	75034	Country i		US			
<p>All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the Add button.</p>							
Add							

Correspondence Information:

Enter either Customer Number or complete the Correspondence Information section below.
For further information see 37 CFR 1.33(a).

☐ An Address is being provided for the correspondence Information of this application.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	42129.6
		Application Number	
Title of Invention	System and Method of On-line Advertising		
Customer Number	27683		
Email Address	ipdocketing@haynesboone.com	<input type="button" value="Add Email"/>	<input type="button" value="Remove Email"/>

Application Information:

Title of the Invention	System and Method of On-line Advertising		
Attorney Docket Number	42129.6	Small Entity Status Claimed	<input checked="" type="checkbox"/>
Application Type	Nonprovisional		
Subject Matter	Utility		
Suggested Class (if any)		Sub Class (if any)	
Suggested Technology Center (if any)			
Total Number of Drawing Sheets (if any)	5	Suggested Figure for Publication (if any)	

Publication Information:

<input type="checkbox"/>	Request Early Publication (Fee required at time of Request 37 CFR 1.219)
<input checked="" type="checkbox"/>	Request Not to Publish. I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

Representative Information:

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32). Enter either Customer Number or complete the Representative Name section below. If both sections are completed the Customer Number will be used for the Representative Information during processing.			
Please Select One:	<input checked="" type="radio"/> Customer Number	<input type="radio"/> US Patent Practitioner	<input type="radio"/> Limited Recognition (37 CFR 11.9)
Customer Number	27683		

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78(a)(2) or CFR 1.78(a)(4), and need not otherwise be made part of the specification.			
Prior Application Status		<input type="button" value="Remove"/>	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
	non provisional of	61/163132	2009-03-25
Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the Add button.			<input type="button" value="Add"/>

Foreign Priority Information:

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	42129.6
		Application Number	
Title of Invention	System and Method of On-line Advertising		

This section allows for the applicant to claim benefit of foreign priority and to identify any prior foreign application for which priority is not claimed. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55(a).

Remove			
Application Number	Country ⁱ	Parent Filing Date (YYYY-MM-DD)	Priority Claimed
			<input type="radio"/> Yes <input checked="" type="radio"/> No
Additional Foreign Priority Data may be generated within this form by selecting the Add button.			Add

Assignee Information:

Providing this information in the application data sheet does not substitute for compliance with any requirement of part 3 of Title 37 of the CFR to have an assignment recorded in the Office.

Remove			
Assignee 1			
If the Assignee is an Organization check here. <input checked="" type="checkbox"/>			
Organization Name	COR, Inc.		
Mailing Address Information:			
Address 1	5729 Lebanon Road, Suite 144-407		
Address 2			
City	Frisco	State/Province	TX
Country ⁱ	US	Postal Code	75034
Phone Number		Fax Number	
Email Address			
Additional Assignee Data may be generated within this form by selecting the Add button.			Add

Signature:

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.

Signature	/Gavin George/		Date (YYYY-MM-DD)	2010-03-25	
First Name	Gavin	Last Name	George	Registration Number	60393

This collection of information is required by 37 CFR 1.76. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Patent Application Fee Transmittal

Application Number:				
Filing Date:				
Title of Invention:	System and Method of On-line Advertising			
First Named Inventor/Applicant Name:	Timothy L. Booth			
Filer:	Gavin D. George/Kathy Mettee			
Attorney Docket Number:	42129.6			
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Utility filing Fee (Electronic filing)	4011	1	82	82
Utility Search Fee	2111	1	270	270
Utility Examination Fee	2311	1	110	110
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				462

Electronic Acknowledgement Receipt

EFS ID:	7288667
Application Number:	12731973
International Application Number:	
Confirmation Number:	2161
Title of Invention:	System and Method of On-line Advertising
First Named Inventor/Applicant Name:	Timothy L. Booth
Customer Number:	27683
Filer:	Gavin D. George/Kathy Mettee
Filer Authorized By:	Gavin D. George
Attorney Docket Number:	42129.6
Receipt Date:	25-MAR-2010
Filing Date:	
Time Stamp:	17:55:04
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$462
RAM confirmation Number	4260
Deposit Account	081394
Authorized User	

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		Patent_Application_42129_6.pdf	1250009	yes	17
			10d181dc41bd7242803dcde3f0d64173698857e1		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Specification		1	12	
	Claims		13	16	
	Abstract		17	17	
Warnings:					
Information:					
2	Drawings-only black and white line drawings	Drawings_42129_6.pdf	151529	no	5
			52384f11ea228ba18009d5786d6dcf9a7a4f6a35		
Warnings:					
Information:					
3	Application Data Sheet	Application_Data_Sheet_42129_6.pdf	1067918	no	4
			defa1e3df607fec5649fb0a4b691b196359975ca		
Warnings:					
Information:					
4	Fee Worksheet (PTO-875)	fee-info.pdf	32758	no	2
			36fa6eeec7adea552bf40a2c0ae0fd91e4e27930		
Warnings:					
Information:					
Total Files Size (in bytes):			2502214		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Date: 03/25/10

Approved for use through 7/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 12/731,973	
APPLICATION AS FILED – PART I						
(Column 1)		(Column 2)		SMALL ENTITY		OR
OTHER THAN SMALL ENTITY						
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	RATE (\$)	FEE (\$)
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	82	N/A	
SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A	270	N/A	
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	110	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	17	minus 20 =	x\$26		x\$52	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	3	minus 3 = *	x\$110		x\$220	
APPLICATION SIZE FEE (37 CFR 1.16(s))		If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$270 (\$135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR				
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				195	390	
				TOTAL	462	TOTAL
* If the difference in column 1 is less than zero, enter "0" in column 2.						
APPLICATION AS AMENDED – PART II						
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY
OTHER THAN SMALL ENTITY						OR
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)
Total (37 CFR 1.16(i))	*	Minus **	=	X =		X =
Independent (37 CFR 1.16(h))	*	Minus ***	=	X =		X =
Application Size Fee (37 CFR 1.16(s))				N/A		N/A
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))				TOTAL ADD'T FEE		TOTAL ADD'T FEE
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY
OTHER THAN SMALL ENTITY						OR
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)
Total (37 CFR 1.16(i))	*	Minus **	=	X =		X =
Independent (37 CFR 1.16(h))	*	Minus ***	=	X =		X =
Application Size Fee (37 CFR 1.16(s))				N/A		N/A
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))				TOTAL ADD'T FEE		TOTAL ADD'T FEE
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.						

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/731,973	03/25/2010	2447	462	42129.6	17	3

CONFIRMATION NO. 2161

FILING RECEIPT



OC000000042058230

27683
 HAYNES AND BOONE, LLP
 IP Section
 2323 Victory Avenue
 Suite 700
 Dallas, TX 75219

Date Mailed: 06/11/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Timothy L. Booth, Murphy, TX;
 Shawn Sandifer, Frisco, TX;

Assignment For Published Patent Application

COR, INC., Frisco, TX

Power of Attorney: None

Domestic Priority data as claimed by applicant

This appln claims benefit of 61/163,132 03/25/2009

Foreign Applications

If Required, Foreign Filing License Granted: 06/11/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/731,973**

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

**** SMALL ENTITY ****

Title

System and Method of On-line Advertising

Preliminary Class

709

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER**Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

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set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/731,973	03/25/2010	Timothy L. Booth	42129.6

CONFIRMATION NO. 2161

FORMALITIES LETTER



OC000000042058231

27683
 HAYNES AND BOONE, LLP
 IP Section
 2323 Victory Avenue
 Suite 700
 Dallas, TX 75219

Date Mailed: 06/11/2010

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

Note: If a petition under 37 CFR 1.47 is being filed, an oath or declaration in compliance with 37 CFR 1.63 signed by all available joint inventors, or if no inventor is available by a party with sufficient proprietary interest, is required.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of **\$65** for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this notice.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$65** for a small entity

- **\$65** Surcharge.

Replies should be mailed to:

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

/sgorems/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



PTO/SB/81 (07-08)

Approved for use through 12/31/2008. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**POWER OF ATTORNEY
OR
REVOCATION OF POWER OF ATTORNEY
WITH A NEW POWER OF ATTORNEY
AND
CHANGE OF CORRESPONDENCE ADDRESS**

Application Number	12/731,973
Filing Date	March 25, 2010
First Named Inventor	Timothy L. Booth
Title	System and Method of On-line Advertising
Art Unit	
Examiner Name	
Attorney Docket Number	42129.6

I hereby revoke all previous powers of attorney given in the above-identified application.

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

27683

OR

☐ I hereby appoint Practitioner(s) named below as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

Practitioner(s) Name	Registration Number

Please recognize or change the correspondence address for the above-identified application to:

☒ The address associated with the above-mentioned Customer Number.

OR

☐ The address associated with Customer Number:

OR

☐ Firm or Individual Name

Address

City

State

Zip

Country

Telephone

Email

I am the:

☐ Applicant/Inventor.

OR

☒ Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) (Form PTO/SB/96) submitted herewith or filed on _____

SIGNATURE of Applicant or Assignee of Record

Signature

Date

Name

Telephone

Title and Company

CEO, COR, Inc.

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ *Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/96 (09-04)

Approved for use through 07/31/2006, OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Timothy BoothApplication No./Patent No.: 12/731,973 Filed/Issue Date: March 25, 2010Entitled: WEB-BASED WORKFLOW PROCESS APPLICATIONCOR. Inc. a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

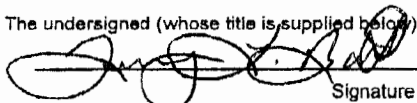
1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.



Signature

Timothy L. Booth

Printed or Typed Name

CEO

Title

8-6-2010

Date

972-896-8200

Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

ASSIGNMENT

WHEREAS, we,

- (1) Timothy L. Booth, of Murphy, Texas, USA
- (2) Shawn Sandifer, of Frisco, Texas, USA

~~have invented certain improvements in~~

SYSTEM AND METHOD OF ON-LINE ADVERTISING

for which we have filed a Patent Application in the United States of America on March 25, 2010, as Application Serial No. 12/731,973; and

WHEREAS, COR, Inc. (Assignee), a corporation having its principal office and place of business in the City of Plano, State of Texas, is desirous of obtaining the entire right, title, and interest in, to and under the said invention and the said application in the United States of America and in any and all countries foreign thereto;

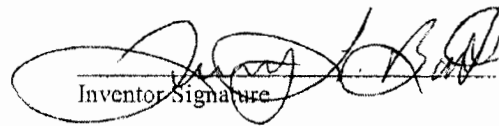
NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said Assignee, its successors, legal representatives, and assigns, the entire right, title, and interest in, to and under the said invention, and the said application, and all divisional, renewal, substitutional, and continuing applications thereof, and all Letters Patent of the United States of America which may be granted thereon and all reissues and extensions thereof, and all applications for Letters Patent which may be filed for said invention in any country or countries foreign to the United States of America, and all extensions, renewals, and reissues thereof, and all prior patents and patent applications from which a filing priority of the above-described patent application may be obtained, including the right to collect past damages; and we hereby authorize and request the Commissioner of Patents of the United States of America, and any official of any country or countries foreign to the United States of America, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said invention to the said Assignee, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

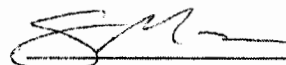
AND WE HEREBY further covenant and agree that we will communicate to said Assignee its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceedings, sign all lawful papers, execute all divisional, renewal, substitutional, continuing, and reissue applications, make all rightful declarations and/or oaths and generally do everything possible to aid the said Assignee, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said invention in all countries.

First Inventor Name: **Timothy L. Booth**
Residence Address: 1219 Whitestone Drive
Murphy, TX 75094

Dated: 8-6-2010

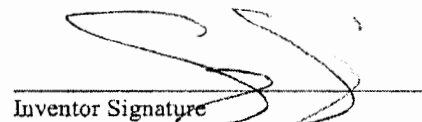

Inventor Signature

Dated: 8/6/10



Witness Signature
Witness Name: Steven Mears

Second Inventor Name: **Shawn Sandifer**
Residence Address: 6624 Longhorn Trail
Frisco, TX 75034

Dated: 8/6/10


Inventor Signature

Dated: 8/6/10


Witness Signature
Witness Name: Steven Mears

Electronic Patent Application Fee Transmittal

Application Number:	12731973			
Filing Date:	25-Mar-2010			
Title of Invention:	System and Method of On-line Advertising			
First Named Inventor/Applicant Name:	Timothy L. Booth			
Filer:	Gavin D. George/April Reasoner			
Attorney Docket Number:	42129.6			
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Late filing fee for oath or declaration	2051	1	65	65
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				65

Electronic Acknowledgement Receipt

EFS ID:	8186880
Application Number:	12731973
International Application Number:	
Confirmation Number:	2161
Title of Invention:	System and Method of On-line Advertising
First Named Inventor/Applicant Name:	Timothy L. Booth
Customer Number:	27683
Filer:	Gavin D. George/April Reasoner
Filer Authorized By:	Gavin D. George
Attorney Docket Number:	42129.6
Receipt Date:	10-AUG-2010
Filing Date:	25-MAR-2010
Time Stamp:	12:25:21
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$65
RAM confirmation Number	8256
Deposit Account	081394
Authorized User	

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Applicant Response to Pre-Exam Formalities Notice	Notice.pdf	63954 d6613f8e9467faabdf96e376d80095fb7d65ada8	no	2

Warnings:**Information:**

2	Oath or Declaration filed	Declaration.pdf	78026 caa9c82c630d67a7654e2bfb423be65fa6e862fb	no	1
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Warnings:**Information:**

3	Power of Attorney	PowerofAttorney.pdf	205296 3bf455cfb44c7723b93f5643f066c67861bf232f	no	4
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Warnings:**Information:**

4	Fee Worksheet (PTO-875)	fee-info.pdf	29767 8f4f9ad776e75463533e148e91f0d2e540e14c44	no	2
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Warnings:**Information:**

Total Files Size (in bytes):	377043
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/731,973	03/25/2010	Timothy L. Booth	42129.6

CONFIRMATION NO. 2161

FORMALITIES LETTER



OC000000042058231

27683
 HAYNES AND BOONE, LLP
 IP Section
 2323 Victory Avenue
 Suite 700
 Dallas, TX 75219

Date Mailed: 06/11/2010

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

Note: If a petition under 37 CFR 1.47 is being filed, an oath or declaration in compliance with 37 CFR 1.63 signed by all available joint inventors, or if no inventor is available by a party with sufficient proprietary interest, is required.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this notice.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$65 for a small entity

- \$65 Surcharge.

Docketed: 6.17.10
Cef

By: 42129.6

Replies should be mailed to:

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.

<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

/sgorems/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

PTO/SB/01A (01-09)

Approved for use through 06/30/2010. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN
APPLICATION DATA SHEET (37 CFR 1.76)****Title of
Invention**

System and Method of On-line Advertising

As the below named inventor(s), I/we declare that:

This declaration is directed to:

☐

The attached application, or

☒Application No. 12/731,973 filed on March 25, 2010☐

As amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)Inventor one: Timothy L. BoothDate: 8-6-2010Signature: Citizen of: USInventor two: Shawn Sandifer

Date: _____

Signature: Citizen of: US 8/6/10☐ Additional inventors or a legal representative are being named on _____ additional form(s) attached hereto.

This collection of information is required by 35 U.S.C. 116 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/731,973	03/25/2010	Timothy L. Booth	42129.6

27683
 HAYNES AND BOONE, LLP
 IP Section
 2323 Victory Avenue
 Suite 700
 Dallas, TX 75219

CONFIRMATION NO. 2161
POA ACCEPTANCE LETTER



Date Mailed: 08/19/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/10/2010.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/nbekele/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/731,973	03/25/2010	2447	527	42129.6	17	3

CONFIRMATION NO. 2161

UPDATED FILING RECEIPT



OC000000043086597

27683
 HAYNES AND BOONE, LLP
 IP Section
 2323 Victory Avenue
 Suite 700
 Dallas, TX 75219

Date Mailed: 08/19/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Timothy L. Booth, Murphy, TX;
 Shawn Sandifer, Frisco, TX;

Assignment For Published Patent Application

COR, INC., Frisco, TX

Power of Attorney: The patent practitioners associated with Customer Number 27683

Domestic Priority data as claimed by applicant

This appln claims benefit of 61/163,132 03/25/2009

Foreign Applications

If Required, Foreign Filing License Granted: 06/11/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/731,973**

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

**** SMALL ENTITY ****

Title

System and Method of On-line Advertising

Preliminary Class

709

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER**Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

PLUS Search Results for S/N 12731973, Searched Tue Mar 06 10:52:28 EST 2012
The Patent Linguistics Utility System (PLUS) is a USPTO automated search system for U.S. Patents from 1971 to the present PLUS is a query-by-example search system which produces a list of patents that are most closely related linguistically to the application searched. This search was prepared by the staff of the Scientific and Technical Information Center, SIRA.

5848397 99	7167907 82
6205432 99	
6633850 99	
20040078304 99	
20030078854 86	
20080312948 86	
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8108240 84	
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6804660 82	
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7054917 82	
7099831 82	



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/731,973	03/25/2010	Timothy L. Booth	42129.6	2161

27683 7590 04/06/2012

HAYNES AND BOONE, LLP

IP Section

2323 Victory Avenue

Suite 700

Dallas, TX 75219

EXAMINER

VIG, NARESH

ART UNIT

PAPER NUMBER

3688

MAIL DATE

DELIVERY MODE

04/06/2012

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

12/731,973

Applicant(s)

BOOTH ET AL.

Examiner

NARESH VIG

Art Unit

3688

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1-17 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1-17 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 – 17 are rejected under 35 U.S.C. 112, second paragraph, as being vague to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant has not positively claimed how collecting of contact information of a user is tied to the claimed invention because said collected information is not used in the claimed invention. As currently claimed, it is deemed that said collecting of information is an insignificant activity.

As for claims 1, 9 and 17, it is not clear whether the claimed invention is directed to collecting contact information of a user by solicitation, or claimed invention is directed to mass advertising, or something else.

As for claims 5 and 13, applicant receives delivery preference from the recipient and stores the delivery preference in a database. Applicant has not positively claimed how collecting of delivery preference is tied to the claimed invention because said collected delivery preference is not used in the claimed invention. As currently claimed, it is deemed that said collecting of delivery preference is an insignificant activity.

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As for claims 9 – 16, applicant has not positively claimed whether the instructions are computer executable instructions which when executed on a computer enables the computer to perform the recited steps, or said instruction are is a document which are opened by an executable application like a word processor to open the document and display the instructions.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dustin et al. US Patent 6,496,857 in view of Caughey US Publication 2003/0212745.

Regarding claims 1, 6, 9, 14 and 17, Dustin teaches capability and concept of system and method for delivering an online advertisement [Dustin, Fig. 2-1 – 2-3 and associated disclosure]. Dustin teaches capability and concept for:

displaying, in a network communication delivered to a recipient, an advertisement associated with a first party, wherein the advertisement contains an interactive element

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displayed within the advertisement, and wherein the network communication is associated with a second party [Dustin, Fig. 2-3 and associated disclosure];

displaying, as a result of an interaction by the recipient with the interactive element, an interface option within the advertisement [Dustin, Fig. 4-1 – 4-3 and associated disclosure];

Even though, Dustin does not explicitly recite identifying email address, Caughey teaches capability and concept for system and method that allows use of email messages for mass-advertisement [Caughey, 0011]. In addition, Caughey teaches capability and concept for forwarding of advertisements through email [Caughey, 0013].

Therefore, at the time of invention, it would have been obvious to one of ordinary skill in the art to modify Dustin by adopting teachings of Caughey to make the marketing campaign more productive by soliciting users who have higher probability for responding to the advertisement; reduce cost by eliminating users who will merely discard the solicitation; apply a known technique to a known device (method, or product) ready for improvement to yield predictable results; known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art.

Dustin in view of Caughey teaches capability and concept for:

receiving contact information in the interface option from the recipient [Dustin, Fig. 6; Caughey, Fig. 6 and associated disclosure]; and

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storing the contact information in a database [Caughey, Fig. 4a, 6 and associated disclosure];

displaying, in a second network communication to the recipient, a second advertisement associated with a third party that contains a second interactive element within the second advertisement, wherein the second network communication is associated with a fourth party [Dustin, Fig. 6 and associated disclosure];

receiving an input from the recipient in the second interactive element, wherein the second network communication is still displayed to the recipient after the input is received [Dustin, Fig. 6, 4-1 – 4-4 and associated disclosure];

querying an identifier stored on a computer associated with the recipient [Dustin, Fig. 6, 4-1 – 4-4; Caughey, Fig. 6 and associated disclosure];

identifying an email address associated with the identifier [Dustin, Fig. 6, 4-1 – 4-4; Caughey, Fig. 6 and associated disclosure]; and

sending advertising information to the email address [Dustin, Fig. 6, 4-1 – 4-4; Caughey, Fig. 6 and associated disclosure].

Regarding claim 2, Dustin in view of Caughey teaches capability and concept wherein the interface option can be a text field that is displayed within the advertisement.

Regarding claim 3, Dustin in view of Caughey teaches capability and concept wherein the contact information can be an email address associated with the recipient.

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Regarding claim 4, Dustin in view of Caughey teaches capability and concept for sending a confirmation message to the recipient using the contact information.

Regarding claims 5 and 13, as best understood by examiner, Dustin in view of Caughey teaches capability and concept for:

displaying a second interface option within the advertisement, wherein the second interface option displays a delivery preference selectable by the recipient; receiving the delivery preference in the second interface option; and storing the delivery preference in a database.

Regarding claim 7, Dustin in view of Caughey teaches capability and concept wherein the identifier can be stored in response to a confirmation message sent to the recipient using the contact information.

Regarding claim 8, Dustin in view of Caughey teaches capability and concept wherein the email address can be entered by the recipient in response to a confirmation message sent to the recipient using the contact information.

Regarding claim 10, Dustin in view of Caughey teaches capability and concept wherein the interface option can be a text field that is displayed within the advertisement.

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Regarding claim 11, Dustin in view of Caughey teaches capability and concept wherein the contact information can be an email address associated with the recipient.

Regarding claim 12, Dustin in view of Caughey teaches capability and concept for sending a confirmation message to the recipient using the contact information.

Regarding claim 15, Dustin in view of Caughey teaches capability and concept wherein the identifier can be stored in response to a confirmation message sent to the recipient using the contact information.

Regarding claim 16, Dustin in view of Caughey teaches capability and concept wherein the email address can be entered by the recipient in response to a confirmation message sent to the recipient using the contact information.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR '1.111 (c) to consider the references fully when responding to this office action

1. Kim et al. US Publication 2008/0040219

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NARESH VIG whose telephone number is (571)272-6810. The examiner can normally be reached on Mon-Thu 7:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

April 3, 2012

/Naresh Vig/
Primary Examiner, Art Unit 3688

Notice of References Cited	Application/Control No. 12/731,973	Applicant(s)/Patent Under Reexamination BOOTH ET AL.	
	Examiner NARESH VIG	Art Unit 3688	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,496,857	12-2002	Dustin et al.	709/219
*	B	US-2003/0212745	11-2003	Caughey, David A.	709/206
*	C	US-2008/0040219	02-2008	Kim et al.	705/14
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			


FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS


*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

<i>Index of Claims</i> 	Application/Control No. 12731973	Applicant(s)/Patent Under Reexamination BOOTH ET AL.
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✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant		<input type="checkbox"/> CPA		<input type="checkbox"/> T.D.		<input type="checkbox"/> R.1.47			
CLAIM		DATE							
Final	Original	04/03/2012							
	1	✓							
	2	✓							
	3	✓							
	4	✓							
	5	✓							
	6	✓							
	7	✓							
	8	✓							
	9	✓							
	10	✓							
	11	✓							
	12	✓							
	13	✓							
	14	✓							
	15	✓							
	16	✓							
	17	✓							

Search Notes 	Application/Control No. 12731973	Applicant(s)/Patent Under Reexamination BOOTH ET AL.
	Examiner NARESH VIG	Art Unit 3688

SEARCHED			
Class	Subclass	Date	Examiner
705	14.73	04/03/2012	nvig

SEARCH NOTES		
Search Notes	Date	Examiner
EAST; PLUS; ip.com	04/03/2012	nvig

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	§	Attorney Docket No. 42129.6
Timothy L. Booth, et al.	§	
	§	Group Art Unit: 3688
Application No. 12/731,973	§	
	§	Examiner: Naresh Vig
Filed: March 25, 2010	§	
	§	Confirmation No.: 2161
For: System and Method of On-line	§	
Advertising	§	

RESPONSE TO OFFICE ACTION MAILED APRIL 6, 2012

Mail Stop Amendment
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

The present paper is being submitted in response to the Office Action mailed April 6, 2012.

A fee in the amount of \$30.00 is being paid for one additional claim. No additional fees are believed to be due in connection with this filing. Should any additional fees be required, please charge any such fees to Haynes & Boone LLP Deposit Account No. 08-1394.

Listing of Claims begins on page **2** of this paper.

Remarks/Arguments begin on page **9** of this paper.

Listing of Claims

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently amended) A method for delivering an online advertisement comprising: displaying, in a network communication delivered to a recipient during a browsing session, an advertisement associated with a first party, wherein the advertisement contains an interactive element displayed within the advertisement, and wherein the network communication is associated with a second party;

displaying, as a result of an interaction by the recipient with the interactive element, an interface option within the advertisement;

receiving contact information ~~in~~ inputted into the interface option ~~from~~ by the recipient; and

storing the contact information in a database;

displaying, in a further network communication delivered to a recipient, a further advertisement associated with a third party, wherein the further advertisement contains a further interactive element displayed within the further advertisement, and wherein the further network communication is associated with a fourth party;

receiving an indication that the recipient activated the further interactive element displayed within the further advertisement; and

delivering additional information associated with the further advertisement to the recipient using the contact information.

2. (Original) The method of claim 1, wherein the interface option is a text field that is displayed within the advertisement.

3. (Original) The method of claim 1, wherein the contact information is an email address associated with the recipient.

4. (Original) The method of claim 1, further comprising sending a confirmation message to the recipient using the contact information.

5. (Currently amended) The method of claim 1, further comprising:
displaying a second interface option within the advertisement, wherein the second interface option displays a delivery preference selectable by the recipient;
receiving the delivery preference in the second interface option; and
storing the delivery preference in a database;
wherein delivering additional information associated with the further advertisement is based in part on the delivery preference.

6. (Currently amended) The method of claim 1, ~~further comprising~~ wherein delivering additional information includes:

~~displaying, in a second network communication to the recipient, a second advertisement associated with a third party that contains a second interactive element within the second advertisement, wherein the second network communication is associated with a fourth party;~~
~~receiving an input from the recipient in the second interactive element, wherein the second network communication is still displayed to the recipient after the input is received;~~
querying an identifier stored on a computer associated with the recipient;
identifying an email address associated with the identifier; and
sending advertising information to the email address.

7. (Original) The method of claim 6, wherein the identifier is stored in response to a confirmation message sent to the recipient using the contact information.

8. (Original) The method of claim 6, wherein the email address is entered by the recipient in response to a confirmation message sent to the recipient using the contact information.

9. (Currently amended) A plurality of computer-executable instructions stored on the a computer readable medium for execution by a processor of a computer, wherein upon execution the instructions enable the computer to perform a method for delivering an online advertisement, the plurality of instructions comprising:

instructions for displaying, in a network communication delivered to a recipient during a browsing session, an advertisement associated with a first party, wherein the advertisement contains an interactive element displayed within the advertisement, and wherein the network communication is associated with a second party;

instructions for displaying, as a result of an interaction by the recipient with the interactive element, an interface option within the advertisement;

instructions for receiving contact information [[in]] inputted into the interface option from by the recipient; and

instructions for storing the contact information in a database;

instructions for displaying, in a further network communication delivered to a recipient, a further advertisement associated with a third party, wherein the further advertisement contains a further interactive element displayed within the further advertisement, and wherein the further network communication is associated with a fourth party;

instructions for receiving an indication that the recipient activated the further interactive element displayed within the further advertisement; and

instructions for delivering additional information associated with the further advertisement to the recipient using the contact information.

10. (Original) The plurality of instructions of claim 9, wherein the interface option is a text field that is displayed within the advertisement.

11. (Original) The plurality of instructions of claim 9, wherein the contact information is an email address associated with the recipient.

12. (Original) The plurality of instructions of claim 9, further comprising instructions for sending a confirmation message to the recipient using the contact information.

13. (Currently amended) The plurality of instructions of claim 9, further comprising:
instructions for displaying a second interface option within the advertisement, wherein the second interface option displays a delivery preference selectable by the recipient;
instructions for receiving the delivery preference in the second interface option; and
instructions for storing the delivery preference in a database;
wherein the instructions for delivering additional information associated with the further advertisement are based in part on the delivery preference.

14. (Currently amended) The plurality of instructions of claim 9, ~~further comprising~~
wherein the instructions for delivering additional information include:
~~instructions for displaying, in a second network communication to the recipient, a second advertisement associated with a third party that contains a second interactive element within the second advertisement, wherein the second network communication is associated with a fourth party;~~
~~instructions for receiving an input from the recipient in the second interactive element, wherein the second network communication is still displayed to the recipient after the input is received;~~
instructions for querying an identifier stored on a computer associated with the recipient;
instructions for identifying an email address associated with the identifier; and
instructions for sending advertising information to the email address.

15. (Original) The method of claim 14, wherein the identifier is stored in response to a confirmation message sent to the recipient using the contact information.

16. (Original) The method of claim 14, wherein the email address is entered by the recipient in response to a confirmation message sent to the recipient using the contact information.

17. (Canceled).

18. (New) A method of online advertising, comprising:

providing an advertisement associated with a first party for display in a network communication delivered to a computing device of a recipient during a browsing session, wherein the advertisement contains an interactive element displayed within the advertisement, and wherein the network communication is associated with a second party different than the first party;

receiving an indication that the recipient activated the interactive element displayed within the advertisement;

determining, in response to the receiving the indication, whether an identifier containing unique identifying information about the recipient is present on the computing device;

if the identifier containing unique identifying information about the recipient is not present on the computing device:

causing a text field to be displayed in at least a portion of the advertisement;

receiving contact information inputted into the text field by the recipient;

generating a user profile associated with the recipient based on the contact information; and

causing an identifier associated with the user profile to be stored on the computing device of the recipient; and

if the identifier containing unique identifying information about the recipient is present on the computing device:

retrieving a user profile associated with the recipient from a visitor information database using at least a portion of the identifier, wherein the user profile comprises at least delivery method preferences and demographic information;

retrieving additional information associated with the advertisement based on at least a portion of the user profile associated with the recipient;

delivering the additional information to the recipient based on the delivery method preferences, the delivering being performed without interrupting the browsing session of the recipient; and

recording the activation by the recipient of the interactive element as recipient tracking data in an analytics server, the recipient tracking data being associated with the unique identifying information about the recipient.

19. (New) The method of claim 18, further including:
causing an interface option to be displayed in at least a portion of the advertisement, wherein the interface option includes a plurality of delivery methods selectable by the recipient; receiving an indication of at least one delivery method selected by the recipient; and updating the delivery method preferences in the user profile of the recipient to reflect the at least one delivery method selected by the recipient.

20. (New) The method of claim 18, further including:
causing a plurality of selectable delivery preference options to be displayed in at least a portion of the advertisement, the plurality of selectable delivery preference options including types of additional information available for delivery to the recipient;
receiving an indication of at least one delivery preference selected by the recipient; and updating the user profile of the recipient to reflect the at least one delivery preference selected by the recipient.

21. (New) The method of claim 18, further including:
providing a further advertisement associated with a third party for display in a further network communication delivered to the computing device of the recipient, wherein the further advertisement contains a further interactive element displayed within the further advertisement, and wherein the further network communication is associated with a fourth party different than the third party;
receiving an indication that the recipient activated the further interactive element displayed within the further advertisement;
if the identifier containing unique identifying information about the recipient is present on the computing device:
retrieving the user profile associated with the recipient from the visitor information database using at least a portion of the identifier;

retrieving further additional information associated with the further advertisement based on at least a portion of the user profile associated with the recipient;

delivering the further additional information to the recipient based on the delivery method preferences, the delivering being performed without interrupting the browsing session of the recipient; and

recording the activation by the recipient of the further interactive element as recipient tracking data in the analytics server.

REMARKS

Claims 1, 5, 6, 9, 13, and 14 have been amended by this paper, claim 17 has been canceled by this paper, and claims 18-21 have been added by this paper. Claims 1-16 and 18-21 will be pending after the entry of this paper. In view of the foregoing amendments and the remarks that follow, Applicants respectfully request reconsideration.

Patentability Under 35 U.S.C. §112, Second Paragraph

On pages 2-3 of the present Office Action, the Examiner rejects claims 1-17 under the second paragraph of 35 U.S.C. §112 based on an assertion that they fail to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Examiner asserts that “collected information is not used in the claim invention” and thus “said collecting of information is an insignificant activity.” Applicants respectfully disagree; however, in the interest of furthering prosecution, Applicants have amended claims 1 and 9 to more clearly indicate that “receiving contact information” is not an insignificant activity. For example, amended independent claim 1 recites not only “receiving contact information” but also “storing the contact information in a database” and “delivering additional information associated with the further advertisement to the recipient using the contact information.” Amended independent claim 9 includes similar recitations regarding contact information.

Further, the Examiner asserts that in claims 1, 9, and 17 “it is not clear whether the claimed invention is directed to collecting contact information of a user by solicitation, or claimed invention is directed to mass advertising, or something else.” Applicants have carefully reviewed claims 1 and 9 and cannot find recitations exclusively directing the claims to “solicitation” or “mass advertising” or “something else.” Instead, Applicants respectfully submit that claim 1 is directed towards “a method for delivering an online advertisement” that includes “displaying, in a network communication delivered to a recipient during a browsing session, an advertisement associated with a first party.” Similarly, claim 9 is directed towards “a plurality of computer-executable instructions stored on a computer readable medium for execution by a processor of a computer, wherein upon execution the instructions enable the computer to perform a method for delivering an online advertisement” that includes “instructions for displaying, in a network communication delivered to a recipient during a browsing session, an advertisement associated with a first party.”

The Examiner additionally asserts that in claims 5 and 13, “collected delivery preference is not used in the claimed invention” and thus “collecting of delivery preference is an insignificant activity.” Applicants respectfully disagree; however, in the interest of furthering prosecution, Applicants have amended claims 5 and 13 to more clearly indicate that “receiving the delivery preference” is not an insignificant activity. For example, amended independent claim 5 recites not only “receiving the delivery preference” but also “storing the delivery preference in a database” and “wherein delivering additional information associated with the further advertisement is based in part on the delivery preference.” Amended independent claim 13 includes similar recitations regarding delivery preferences.

Finally, the Examiner asserts that the scope of the “instructions” recited in claims 9-16 is unclear. Applicants do not necessarily agree; however, in the interest of furthering prosecution, the preamble of claim 9 has been amended to recite “[a] plurality of computer-executable instructions stored on a computer readable medium for execution by a processor of a computer, wherein upon execution the instructions enable the computer to perform a method for delivering an online advertisement, the plurality of instructions comprising:”

Accordingly, for all of the above reasons, Applicants respectfully submit that claims 1-17 now particularly point out and distinctly claim the subject matter which Applicants regard as the invention as required under the second paragraph of 35 U.S.C. §112. Notice to that effect is respectfully requested.

Independent Claim 1

Claim 1 stands rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,496,857 to Dustin et al. (“Dustin”) in view of U.S. Patent Application Publication No. 2003/0212745 to Caughey. Applicants respectfully traverse this rejection and respectfully submit that the Office Action fails to establish a *prima facie* case of obviousness under § 103 with respect to claim 1 for the following reasons.

MPEP § 2143.03 states that “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.” (quoting *In re Wilson*, 424 F.2d 1382, 1385 (CCPA 1970)). In the present matter, claim 1 has been amended and includes a recitation of:

. . . displaying, in a network communication delivered to a recipient during a browsing session, an advertisement associated with a first party, wherein the advertisement contains an interactive element displayed within the advertisement, and wherein the network communication is associated with a second party;

displaying, as a result of an interaction by the recipient with the interactive element, an interface option within the advertisement;

receiving contact information inputted into the interface option by the recipient;

storing the contact information in a database;

displaying, in a further network communication delivered to a recipient, a further advertisement associated with a third party, wherein the further advertisement contains a further interactive element displayed within the further advertisement, and wherein the further network communication is associated with a fourth party;

receiving an indication that the recipient activated the further interactive element displayed within the further advertisement; and

delivering additional information associated with the further advertisement to the recipient using the contact information.

On pages 3-5 of the current Office Action, the Examiner asserts that portions of Dustin combined with portions of Caughey disclose every limitation of claim 1. However, the indicated portions of Dustin and Caughey, even when considered together, fail to disclose at least “receiving contact information inputted into the interface option by the recipient,” as recited in amended claim 1. In more detail, the Examiner points to Fig. 6 of Dustin and Fig. 6 of Caughey as disclosing the claimed “receiving contact information inputted into the interface option by the recipient.” Fig. 6 of Dustin generally describes steps related to displaying a banner ad to a user,

saving an enhanced version of the ad to a storage space if the user clicks on the banner ad, and retrieving the enhanced version of the ad when requested by the user. Notably, the steps of Fig. 6 and the associated text in Dustin lack any discussion related to contact information, much less any discussion related to receiving contact information inputted into an interface option disposed within an advertisement.

Similarly, the indicated portions of Caughey cited by the Examiner also fail to disclose “receiving contact information inputted into the interface option by the recipient.” Specifically, Fig. 6 and associated text in Caughey generally describe “a method of selectively forwarding multi-steps email messages.” Caughey, para. [0093]. It appears these portions of Caughey lack any disclosure related to interface options disposed within advertisements. Although paragraph [0094] of Caughey discloses automatically inserting an email address of a user into a multi-step email message, this task is plainly different than receiving contact information inputted into an interface option disposed within an advertisement.

Accordingly, the portions of Dustin and Caughey relied upon by the Examiner, even when considered together, fail to disclose “receiving contact information inputted into the interface option by the recipient,” as recited in amended claim 1. Therefore, for the reasons above, the Examiner has failed to establish a *prima facie* case of obviousness under §103 with respect to amended claim 1. Claim 1 is thus believed to be allowable over Dustin and Caughey, and notice to that effect is respectfully requested.

Independent Claim 9

Claim 9 also stands rejected under 35 U.S.C. §103(a) as being unpatentable over Dustin in view of Caughey. Applicants respectfully traverse this rejection and respectfully submit that the Office Action fails to establish a *prima facie* case of obviousness under §103 with respect to claim 9 for the following reasons.

In the present matter, claim 9 has been amended and includes a recitation of:

instructions for displaying, in a network communication
delivered to a recipient during a browsing session, an
advertisement associated with a first party, wherein the
advertisement contains an interactive element displayed within the

advertisement, and wherein the network communication is associated with a second party;

instructions for displaying, as a result of an interaction by the recipient with the interactive element, an interface option within the advertisement;

instructions for receiving contact information inputted into the interface option by the recipient;

instructions for storing the contact information in a database;

instructions for displaying, in a further network communication delivered to a recipient, a further advertisement associated with a third party, wherein the further advertisement contains a further interactive element displayed within the further advertisement, and wherein the further network communication is associated with a fourth party;

instructions for receiving an indication that the recipient activated the further interactive element displayed within the further advertisement; and

instructions for delivering additional information associated with the further advertisement to the recipient using the contact information. (Emphasis added).

The rationale offered in the Office Action for the rejection of claim 9 is effectively the same rationale that is offered for the rejection of claim 1. Therefore, for reasons similar to those discussed above in association with claim 1, it is respectfully submitted that claim 9 is not obvious under §103 in view of Dustin and Caughey. Accordingly, claim 9 is believed to be allowable, and notice to that effect is respectfully requested.

New Independent Claim 18

This paper adds new independent claim 18. Applicants believe claim 18 more fully describes a method of online advertising as embodied in Applicant's originally-filed

specification. In that regard, Applicants respectfully submit that new claim 18 recites one or more limitations not disclosed by the prior art cited by the Examiner, including Dustin and Caughey. Applicants therefore believe new claim 18 is allowable over the prior art of record, and notice to that effect is respectfully requested.

Dependent Claims

Claims 2-8, Claims 10-16, and Claims 19-21 respectively depend from Claim 1, Claim 9, and Claim 18, and are also believed to be patentable, for example for the same reasons discussed above with respect to Claims 1, 9, and 18.

Appl. No.: 12/731,973

Response to Office Action mailed April 6, 2012

Attorney Docket No.: 42129.6

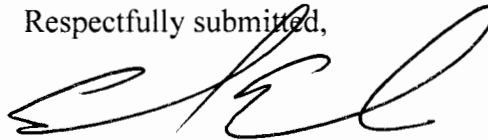
Customer No.: 27683

CONCLUSION

Based on the foregoing, it is respectfully submitted that all of the pending claims are fully allowable, and favorable reconsideration of this application is therefore respectfully requested. If the Examiner believes that examination of the present application may be advanced by a telephone conference, the Examiner is invited to telephone the undersigned attorney.

Further, the Office Action contains characterizations of the claims and the related art of which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

Respectfully submitted,



Andrew S. Ehmke

Registration No. 50,271

Date: July 5, 2012

HAYNES AND BOONE, LLP

Telephone: 972-739-8639

Facsimile: 214-200-0853

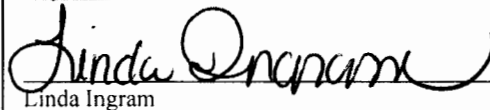
Customer No.: 27683

Attorney Docket: 42129.6

R-309711_1.DOCXX

Certificate of Service

I hereby certify that this correspondence is being filed with the U.S. Patent and Trademark Office via EFS-Web on July 5, 2012.


Linda Ingram

Electronic Patent Application Fee Transmittal

Application Number:	12731973			
Filing Date:	25-Mar-2010			
Title of Invention:	System and Method of On-line Advertising			
First Named Inventor/Applicant Name:	Timothy L. Booth			
Filer:	Andrew s. Ehmke/Linda Ingram			
Attorney Docket Number:	42129.6			
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Claims in excess of 20	2202	1	30	30
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				30

Electronic Acknowledgement Receipt

EFS ID:	13183985
Application Number:	12731973
International Application Number:	
Confirmation Number:	2161
Title of Invention:	System and Method of On-line Advertising
First Named Inventor/Applicant Name:	Timothy L. Booth
Customer Number:	27683
Filer:	Andrew s. Ehmke/Linda Ingram
Filer Authorized By:	Andrew s. Ehmke
Attorney Docket Number:	42129.6
Receipt Date:	05-JUL-2012
Filing Date:	25-MAR-2010
Time Stamp:	16:29:56
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$ 30
RAM confirmation Number	3037
Deposit Account	081394
Authorized User	EHMKE,ANDREW S.

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		421296_Response.pdf	636621 7d030662d7f6be0182bc12ab41783f1a094e2f30	yes	15
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Amendment/Req. Reconsideration-After Non-Final Reject		1	1	
	Claims		2	8	
	Applicant Arguments/Remarks Made in an Amendment		9	15	
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	29665 e47072b42ca096672c8bbea467568b9608f4ea94	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			666286		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/731,973	03/25/2010	Timothy L. Booth	42129.6	2161

27683 7590 08/14/2012

HAYNES AND BOONE, LLP

IP Section

2323 Victory Avenue

Suite 700

Dallas, TX 75219

EXAMINER

VIG, NARESH

ART UNIT

PAPER NUMBER

3688

MAIL DATE

DELIVERY MODE

08/14/2012

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 12/731,973	Applicant(s) BOOTH ET AL.	
	Examiner NARESH VIG	Art Unit 3688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2012.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1-16 and 18-21 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☐ Claim(s) ____ is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Application/Control Number: 12/731,973
Art Unit: 3688

Page 2

DETAILED ACTION

This is in reference to communication received 05 July 2012. Cancellation of Claim 17 and Addition of new claims 18 – 21 is acknowledged.

Response to Amendment

The reply filed on 05 July 2012 to the office action mailed on 06 April 2012 is not fully responsive to the prior Office Action because newly added claims are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

The claims has changed the scope of the invention from the method of facilitating an exchange of information among plurality of entities. Claims invention as originally filed was directed to system and method of displaying, in a network communication delivered to a recipient, displaying an interface option within the advertisement; receiving contact information inputted by the recipient; delivering additional information associated with the further advertisement to the recipient using the contact information wherein contact information is an email address of the recipient (**i.e. sending advertisements to the emails address of the recipient**).

New invention as currently claimed in newly added claims 18 - 21 are directed to system and method of displaying, in a network communication delivered to a recipient, displaying an interface option within the advertisement; receiving contact information inputted by the recipient; delivering additional information associated with the further

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Art Unit: 3688

advertisement to the recipient using the contact information wherein contact information is **not** an email address of the recipient (**i.e. sending advertisements to the recipient in some other form like pop-up banner**).

Since the applicant has received an action on merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. See 37 CFR 1.142(b) and MPEP 821.03.

If the examiner wishes to further prosecute the newly presented claim/invention, the examiner suggest the filing of a continuation.

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

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Art Unit: 3688

Page 4

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NARESH VIG whose telephone number is (571)272-6810. The examiner can normally be reached on Mon-Thu 7:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

August 11, 2012

/Naresh Vig/
Primary Examiner, Art Unit 3688

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	§	Attorney Docket No. 42129.6
Timothy L. Booth, et al.	§	
	§	Group Art Unit: 3688
Application No. 12/731,973	§	
	§	Examiner: Naresh Vig
Filed: March 25, 2010	§	
	§	Confirmation No.: 2161
For: System and Method of On-line	§	
Advertising	§	

RESPONSE TO OFFICE ACTION MAILED AUGUST 14, 2012

Mail Stop Amendment
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

The present paper is being submitted in response to the Office Action mailed August 14, 2012.

No fees are believed to be due in connection with this filing. Should any additional fees be required, the Commissioner is hereby authorized to charge any fees, including those for any extensions of time, to Haynes & Boone LLP Deposit Account No. 08-1394.

Listing of Claims begins on page **2** of this paper.

Remarks/Arguments begin on page **8** of this paper.

Listing of Claims

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Previously presented) A method for delivering an online advertisement comprising: displaying, in a network communication delivered to a recipient during a browsing session, an advertisement associated with a first party, wherein the advertisement contains an interactive element displayed within the advertisement, and wherein the network communication is associated with a second party;

displaying, as a result of an interaction by the recipient with the interactive element, an interface option within the advertisement;

receiving contact information inputted into the interface option by the recipient;

storing the contact information in a database;

displaying, in a further network communication delivered to a recipient, a further advertisement associated with a third party, wherein the further advertisement contains a further interactive element displayed within the further advertisement, and wherein the further network communication is associated with a fourth party;

receiving an indication that the recipient activated the further interactive element displayed within the further advertisement; and

delivering additional information associated with the further advertisement to the recipient using the contact information.

2. (Original) The method of claim 1, wherein the interface option is a text field that is displayed within the advertisement.

3. (Canceled).

4. (Original) The method of claim 1, further comprising sending a confirmation message to the recipient using the contact information.

5. (Previously presented) The method of claim 1, further comprising:
displaying a second interface option within the advertisement, wherein the second interface option displays a delivery preference selectable by the recipient;
receiving the delivery preference in the second interface option; and
storing the delivery preference in a database;
wherein delivering additional information associated with the further advertisement is based in part on the delivery preference.

6. (Previously presented) The method of claim 1, wherein delivering additional information includes:
querying an identifier stored on a computer associated with the recipient;
identifying an email address associated with the identifier; and
sending advertising information to the email address.

7. (Original) The method of claim 6, wherein the identifier is stored in response to a confirmation message sent to the recipient using the contact information.

8. (Original) The method of claim 6, wherein the email address is entered by the recipient in response to a confirmation message sent to the recipient using the contact information.

9. (Previously presented) A plurality of computer-executable instructions stored on a computer readable medium for execution by a processor of a computer, wherein upon execution the instructions enable the computer to perform a method for delivering an online advertisement, the plurality of instructions comprising:

instructions for displaying, in a network communication delivered to a recipient during a browsing session, an advertisement associated with a first party, wherein the advertisement contains an interactive element displayed within the advertisement, and wherein the network communication is associated with a second party;

instructions for displaying, as a result of an interaction by the recipient with the interactive element, an interface option within the advertisement;

instructions for receiving contact information inputted into the interface option by the recipient;

instructions for storing the contact information in a database;

instructions for displaying, in a further network communication delivered to a recipient, a further advertisement associated with a third party, wherein the further advertisement contains a further interactive element displayed within the further advertisement, and wherein the further network communication is associated with a fourth party;

instructions for receiving an indication that the recipient activated the further interactive element displayed within the further advertisement; and

instructions for delivering additional information associated with the further advertisement to the recipient using the contact information.

10. (Original) The plurality of instructions of claim 9, wherein the interface option is a text field that is displayed within the advertisement.

11. (Canceled).

12. (Original) The plurality of instructions of claim 9, further comprising instructions for sending a confirmation message to the recipient using the contact information.

13. (Previously presented) The plurality of instructions of claim 9, further comprising:
instructions for displaying a second interface option within the advertisement, wherein the second interface option displays a delivery preference selectable by the recipient;

instructions for receiving the delivery preference in the second interface option; and

instructions for storing the delivery preference in a database;

wherein the instructions for delivering additional information associated with the further advertisement are based in part on the delivery preference.

14. (Previously presented) The plurality of instructions of claim 9, wherein the instructions for delivering additional information include:

- instructions for querying an identifier stored on a computer associated with the recipient;
- instructions for identifying an email address associated with the identifier; and
- instructions for sending advertising information to the email address.

15. (Original) The method of claim 14, wherein the identifier is stored in response to a confirmation message sent to the recipient using the contact information.

16. (Original) The method of claim 14, wherein the email address is entered by the recipient in response to a confirmation message sent to the recipient using the contact information.

17. (Canceled).

18. (Previously presented) A method of online advertising, comprising:
providing an advertisement associated with a first party for display in a network communication delivered to a computing device of a recipient during a browsing session, wherein the advertisement contains an interactive element displayed within the advertisement, and wherein the network communication is associated with a second party different than the first party;

- receiving an indication that the recipient activated the interactive element displayed within the advertisement;

- determining, in response to the receiving the indication, whether an identifier containing unique identifying information about the recipient is present on the computing device;

- if the identifier containing unique identifying information about the recipient is not present on the computing device:

- causing a text field to be displayed in at least a portion of the advertisement;
 - receiving contact information inputted into the text field by the recipient;
 - generating a user profile associated with the recipient based on the contact information; and

causing an identifier associated with the user profile to be stored on the computing device of the recipient; and
if the identifier containing unique identifying information about the recipient is present on the computing device:

retrieving a user profile associated with the recipient from a visitor information database using at least a portion of the identifier, wherein the user profile comprises at least delivery method preferences and demographic information;

retrieving additional information associated with the advertisement based on at least a portion of the user profile associated with the recipient;

delivering the additional information to the recipient based on the delivery method preferences, the delivering being performed without interrupting the browsing session of the recipient; and

recording the activation by the recipient of the interactive element as recipient tracking data in an analytics server, the recipient tracking data being associated with the unique identifying information about the recipient.

19. (Previously presented) The method of claim 18, further including:
causing an interface option to be displayed in at least a portion of the advertisement, wherein the interface option includes a plurality of delivery methods selectable by the recipient;
receiving an indication of at least one delivery method selected by the recipient; and
updating the delivery method preferences in the user profile of the recipient to reflect the at least one delivery method selected by the recipient.

20. (Previously presented) The method of claim 18, further including:
causing a plurality of selectable delivery preference options to be displayed in at least a portion of the advertisement, the plurality of selectable delivery preference options including types of additional information available for delivery to the recipient;
receiving an indication of at least one delivery preference selected by the recipient; and
updating the user profile of the recipient to reflect the at least one delivery preference selected by the recipient.

21. (Previously presented) The method of claim 18, further including:

providing a further advertisement associated with a third party for display in a further network communication delivered to the computing device of the recipient, wherein the further advertisement contains a further interactive element displayed within the further advertisement, and wherein the further network communication is associated with a fourth party different than the third party;

receiving an indication that the recipient activated the further interactive element displayed within the further advertisement;

if the identifier containing unique identifying information about the recipient is present on the computing device:

retrieving the user profile associated with the recipient from the visitor information database using at least a portion of the identifier;

retrieving further additional information associated with the further advertisement based on at least a portion of the user profile associated with the recipient;

delivering the further additional information to the recipient based on the delivery method preferences, the delivering being performed without interrupting the browsing session of the recipient; and

recording the activation by the recipient of the further interactive element as recipient tracking data in the analytics server.

REMARKS

Claims 3 and 11 have been canceled by this paper. Claims 1, 2, 4-10, 12-16, and 18-21 will be pending after the entry of this paper. In view of the foregoing amendments and the remarks that follow, Applicants respectfully request reconsideration.

Examiner Interview Summary

Applicants appreciate the courtesies extended by the Examiner in the telephone interview conducted on September 12, 2012. Generally, the Applicants' Response filed July 5, 2012 and the subsequent Office Action mailed August 14, 2012 were discussed. No exhibits were shown in the interview. In more detail, Applicants' representative and the Examiner discussed the Examiner's assertion in the Office Action mailed August 14, 2012 that the claims newly added in the Response filed July 5, 2012 were directed to an invention that is independent or distinct from the invention originally claimed. As an aspect of this, Applicants' representative and the Examiner discussed independent claims 1 and 18. Applicants respectfully submit that there would not be a serious burden on the Examiner to examine both independent claim 1 and independent claim 18. For example, because both claims 1 and 18 are drawn to methods of online advertising described by FIGS. 2-4 and associated text of Applicants' as-filed specification, the claims do not necessitate different fields of search. *See* MPEP §808.02. Additionally, the Examiner and Applicants' representative discussed canceling claims 3 and 11, which recite "wherein the contact information is an email address." In an effort to accommodate the Examiner, the foregoing amendments cancel claim 3 and 11. Accordingly, in view of the cancellation of claims 3 and 11 and the lack of a serious examination burden on the Examiner, Applicants respectfully request an Office Action on the merits that addresses all of independent claims 1, 9, and 18.

Applicants respectfully submit that this Response to Office Action corrects the deficiencies asserted by the Examiner in the present Office Action. Applicants therefore submit that this Response is fully responsive to both the Office Action mailed April 6, 2012 and the present Office Action.

Patentability Under 35 U.S.C. §112, Second Paragraph

On pages 2-3 of the Office Action mailed April 6, 2012, the Examiner rejects claims 1-17 under the second paragraph of 35 U.S.C. §112 based on an assertion that they fail to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Examiner asserts that “collected information is not used in the claim invention” and thus “said collecting of information is an insignificant activity.” Applicants respectfully disagree; however, in the interest of furthering prosecution, Applicants amended claims 1 and 9 in the Response filed July 5, 2012 to more clearly indicate that “receiving contact information” is not an insignificant activity. For example, amended independent claim 1 recites not only “receiving contact information” but also “storing the contact information in a database” and “delivering additional information associated with the further advertisement to the recipient using the contact information.” Amended independent claim 9 includes similar recitations regarding contact information.

Further, the Examiner asserts that in claims 1, 9, and 17 “it is not clear whether the claimed invention is directed to collecting contact information of a user by solicitation, or claimed invention is directed to mass advertising, or something else.” Applicants have carefully reviewed claims 1 and 9 and cannot find recitations exclusively directing the claims to “solicitation” or “mass advertising” or “something else.” Instead, Applicants respectfully submit that claim 1 is directed towards “a method for delivering an online advertisement” that includes “displaying, in a network communication delivered to a recipient during a browsing session, an advertisement associated with a first party.” Similarly, claim 9 is directed towards “a plurality of computer-executable instructions stored on a computer readable medium for execution by a processor of a computer, wherein upon execution the instructions enable the computer to perform a method for delivering an online advertisement” that includes “instructions for displaying, in a network communication delivered to a recipient during a browsing session, an advertisement associated with a first party.”

The Examiner additionally asserts that in claims 5 and 13, “collected delivery preference is not used in the claimed invention” and thus “collecting of delivery preference is an insignificant activity.” Applicants respectfully disagree; however, in the interest of furthering prosecution, Applicants amended claims 5 and 13 in the Response filed July 5, 2012 to more clearly indicate that “receiving the delivery preference” is not an insignificant activity. For

example, amended independent claim 5 recites not only “receiving the delivery preference” but also “storing the delivery preference in a database” and “wherein delivering additional information associated with the further advertisement is based in part on the delivery preference.” Amended independent claim 13 includes similar recitations regarding delivery preferences.

Finally, the Examiner asserts that the scope of the “instructions” recited in claims 9-16 is unclear. Applicants do not necessarily agree; however, in the interest of furthering prosecution, the preamble of claim 9 was amended in the Response filed July 5, 2012 to recite “[a] plurality of computer-executable instructions stored on a computer readable medium for execution by a processor of a computer, wherein upon execution the instructions enable the computer to perform a method for delivering an online advertisement, the plurality of instructions comprising:”

Accordingly, for all of the above reasons, Applicants respectfully submit that claims 1-17 particularly point out and distinctly claim the subject matter which Applicants regard as the invention as required under the second paragraph of 35 U.S.C. §112. Notice to that effect is respectfully requested.

Independent Claim 1

Claim 1 stands rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,496,857 to Dustin et al. (“Dustin”) in view of U.S. Patent Application Publication No. 2003/0212745 to Caughey. Applicants respectfully traverse this rejection and respectfully submit that the Office Action fails to establish a *prima facie* case of obviousness under § 103 with respect to claim 1 for the following reasons.

MPEP § 2143.03 states that “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.” (quoting *In re Wilson*, 424 F.2d 1382, 1385 (CCPA 1970)). In the present matter, claim 1 was amended in the Response filed July 5, 2012 and includes a recitation of:

. . . displaying, in a network communication delivered to a recipient during a browsing session, an advertisement associated with a first party, wherein the advertisement contains an interactive

element displayed within the advertisement, and wherein the network communication is associated with a second party;

displaying, as a result of an interaction by the recipient with the interactive element, an interface option within the advertisement;

receiving contact information inputted into the interface option by the recipient;

storing the contact information in a database;

displaying, in a further network communication delivered to a recipient, a further advertisement associated with a third party, wherein the further advertisement contains a further interactive element displayed within the further advertisement, and wherein the further network communication is associated with a fourth party;

receiving an indication that the recipient activated the further interactive element displayed within the further advertisement; and

delivering additional information associated with the further advertisement to the recipient using the contact information.

On pages 3-5 of the Office Action mailed April 6, 2012, the Examiner asserts that portions of Dustin combined with portions of Caughey disclose every limitation of claim 1. However, the indicated portions of Dustin and Caughey, even when considered together, fail to disclose at least “receiving contact information inputted into the interface option by the recipient,” as recited in amended claim 1. In more detail, the Examiner points to Fig. 6 of Dustin and Fig. 6 of Caughey as disclosing the claimed “receiving contact information inputted into the interface option by the recipient.” Fig. 6 of Dustin generally describes steps related to displaying a banner ad to a user, saving an enhanced version of the ad to a storage space if the user clicks on the banner ad, and retrieving the enhanced version of the ad when requested by the user. Notably, the steps of Fig. 6 and the associated text in Dustin lack any discussion related to

contact information, much less any discussion related to receiving contact information inputted into an interface option disposed within an advertisement.

Similarly, the indicated portions of Caughey cited by the Examiner also fail to disclose “receiving contact information inputted into the interface option by the recipient.” Specifically, Fig. 6 and associated text in Caughey generally describe “a method of selectively forwarding multi-steps email messages.” Caughey, para. [0093]. It appears these portions of Caughey lack any disclosure related to interface options disposed within advertisements. Although paragraph [0094] of Caughey discloses automatically inserting an email address of a user into a multi-step email message, this task is plainly different than receiving contact information inputted into an interface option disposed within an advertisement.

Accordingly, the portions of Dustin and Caughey relied upon by the Examiner, even when considered together, fail to disclose “receiving contact information inputted into the interface option by the recipient,” as recited in amended claim 1. Therefore, for the reasons above, the Examiner has failed to establish a *prima facie* case of obviousness under §103 with respect to amended claim 1. Claim 1 is thus believed to be allowable over Dustin and Caughey, and notice to that effect is respectfully requested.

Independent Claim 9

Claim 9 also stands rejected under 35 U.S.C. §103(a) as being unpatentable over Dustin in view of Caughey. Applicants respectfully traverse this rejection and respectfully submit that the Office Action fails to establish a *prima facie* case of obviousness under §103 with respect to claim 9 for the following reasons.

In the present matter, claim 9 was amended in the Response filed July 5, 2012 and includes a recitation of:

instructions for displaying, in a network communication delivered to a recipient during a browsing session, an advertisement associated with a first party, wherein the advertisement contains an interactive element displayed within the advertisement, and wherein the network communication is associated with a second party;

instructions for displaying, as a result of an interaction by the recipient with the interactive element, an interface option within the advertisement;

instructions for receiving contact information inputted into the interface option by the recipient;

instructions for storing the contact information in a database;

instructions for displaying, in a further network communication delivered to a recipient, a further advertisement associated with a third party, wherein the further advertisement contains a further interactive element displayed within the further advertisement, and wherein the further network communication is associated with a fourth party;

instructions for receiving an indication that the recipient activated the further interactive element displayed within the further advertisement; and

instructions for delivering additional information associated with the further advertisement to the recipient using the contact information. (Emphasis added).

The rationale offered in the Office Action for the rejection of claim 9 is effectively the same rationale that is offered for the rejection of claim 1. Therefore, for reasons similar to those discussed above in association with claim 1, it is respectfully submitted that claim 9 is not obvious under §103 in view of Dustin and Caughey. Accordingly, claim 9 is believed to be allowable, and notice to that effect is respectfully requested.

Independent Claim 18

Applicants' Response filed July 5, 2012 added new independent claim 18. Applicants believe claim 18 more fully describes a method of online advertising as embodied in Applicant's originally-filed specification. In that regard, Applicants respectfully submit that new claim 18 recites one or more limitations not disclosed by the prior art cited by the Examiner, including

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Attorney Docket No.: 42129.6

Response to Office Action mailed August 14, 2012

Customer No.: 27683

Dustin and Caughey. Applicants therefore believe new claim 18 is allowable over the prior art of record, and notice to that effect is respectfully requested.

Dependent Claims

Claims 2, 4-8, Claims 10, 12-16, and Claims 19-21 respectively depend from Claim 1, Claim 9, and Claim 18, and are also believed to be patentable, for example for the same reasons discussed above with respect to Claims 1, 9, and 18.

Appl. No.: 12/731,973

Attorney Docket No.: 42129.6

Response to Office Action mailed August 14, 2012

Customer No.: 27683

CONCLUSION

Based on the foregoing, it is respectfully submitted that all of the pending claims are fully allowable, and favorable reconsideration of this application is therefore respectfully requested. If the Examiner believes that examination of the present application may be advanced by a telephone conference, the Examiner is invited to telephone the undersigned attorney.

Further, the Office Action contains characterizations of the claims and the related art of which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

Respectfully submitted,



Andrew S. Ehmke
Registration No. 50,271

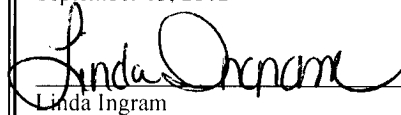
Date: September 13, 2012

HAYNES AND BOONE, LLP
Telephone: 972-739-8639
Facsimile: 214-200-0853
Customer No.: 27683
Attorney Docket: 42129.6

R-314878_1.docx

Certificate of Service

I hereby certify that this correspondence is being filed with the U.S. Patent and Trademark Office via EFS-Web on September 13, 2012


Linda Ingram

Electronic Acknowledgement Receipt

EFS ID:	13736919
Application Number:	12731973
International Application Number:	
Confirmation Number:	2161
Title of Invention:	System and Method of On-line Advertising
First Named Inventor/Applicant Name:	Timothy L. Booth
Customer Number:	27683
Filer:	Andrew s. Ehmke/Linda Ingram
Filer Authorized By:	Andrew s. Ehmke
Attorney Docket Number:	42129.6
Receipt Date:	13-SEP-2012
Filing Date:	25-MAR-2010
Time Stamp:	15:41:40
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		421296_Response.pdf	637126 82907a3106b609aff5b067b1cd423637ecb c0160	yes	15

Multipart Description/PDF files in .zip description

	Multipart Description/PDF files in .zip description		
	Document Description	Start	End
	Amendment/Req. Reconsideration-After Non-Final Reject	1	1
	Claims	2	7
	Applicant Arguments/Remarks Made in an Amendment	8	15

Warnings:**Information:****Total Files Size (in bytes):**

637126

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

PTO/SB/06 (07-06)

Approved for use through 1/31/2007. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 12/731,973		Filing Date 03/25/2010		<input type="checkbox"/> To be Mailed	
APPLICATION AS FILED – PART I										
(Column 1)			(Column 2)			SMALL ENTITY <input checked="" type="checkbox"/> OR		OTHER THAN SMALL ENTITY		
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	OR	RATE (\$)	FEE (\$)			
<input type="checkbox"/> BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A				
<input type="checkbox"/> SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A			N/A				
<input type="checkbox"/> EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A				
TOTAL CLAIMS (37 CFR 1.16(j))	minus 20 =	*	X \$	=	OR	X \$	=			
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$	=		X \$	=			
<input type="checkbox"/> APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).									
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))										
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL				
APPLICATION AS AMENDED – PART II										
(Column 1)			(Column 2)			SMALL ENTITY OR		OTHER THAN SMALL ENTITY		
AMENDMENT	09/13/2012	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	* 18	Minus	** 21	=	0	OR	X \$	=	
	Independent (37 CFR 1.16(h))	* 3	Minus	*** 3	=	0	OR	X \$	=	
<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))										
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR			
					TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE		
(Column 1)			(Column 2)			SMALL ENTITY OR		OTHER THAN SMALL ENTITY		
AMENDMENT	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)		
	Total (37 CFR 1.16(i))	*	Minus	**	=		X \$	=		
	Independent (37 CFR 1.16(h))	*	Minus	***	=		X \$	=		
<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))										
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR			
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE		
<p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.</p> <p>** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".</p> <p>*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".</p> <p>The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.</p>										

Legal Instrument Examiner:
/ZURIASHWORK ZENEBE/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/731,973	03/25/2010	Timothy L. Booth	42129.6	2161

27683 7590 09/17/2012

HAYNES AND BOONE, LLP

IP Section

2323 Victory Avenue

Suite 700

Dallas, TX 75219

EXAMINER

VIG, NARESH

ART UNIT

PAPER NUMBER

3688

MAIL DATE

DELIVERY MODE

09/17/2012

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<i>Applicant-Initiated Interview Summary</i>	Application No. 12/731,973	Applicant(s) BOOTH ET AL.	
	Examiner NARESH VIG	Art Unit 3688	

All participants (applicant, applicant's representative, PTO personnel):

(1) NARESH VIG. (3) ____.

(2) Andres Ehmke (Reg. No. 50,271). (4) ____.

Date of Interview: 09 September 2012.

Type: ☒ Telephonic ☐ Video Conference
☐ Personal [copy given to: ☐ applicant ☐ applicant's representative]

Exhibit shown or demonstration conducted: ☐ Yes ☒ No.
If Yes, brief description: ____.

Issues Discussed ☐101 ☐112 ☐102 ☐103 ☒Others
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: 1,3 and 18.

Identification of prior art discussed: ____.

Substance of Interview
(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

During the Telephone Interview, discussion was related to office action mailed 14 August 2012. Office position to the office action was explained to the Attorney.

Applicant will file a response in due course.

Applicant recordation instructions: The formal written reply to the last Office action must include the substance of the interview. (See MPEP section 713.04). If a reply to the last Office action has already been filed, applicant is given a non-extendable period of the longer of one month or thirty days from this interview date, or the mailing date of this interview summary form, whichever is later, to file a statement of the substance of the interview

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

☐ Attachment

/Naresh Vig/ Primary Examiner, Art Unit 3688	
---	--

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews
Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.



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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/731,973	03/25/2010	Timothy L. Booth	42129.6	2161
27683	7590	10/03/2012		
HAYNES AND BOONE, LLP			EXAMINER	
IP Section			VIG, NARESH	
2323 Victory Avenue				
Suite 700			ART UNIT	
Dallas, TX 75219			PAPER NUMBER	
			3688	
			MAIL DATE	
			DELIVERY MODE	
			10/03/2012	
			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.

12/731,973

Examiner

NARESH VIG

Applicant(s)

BOOTH ET AL.

Art Unit

3688

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 13 September 2012 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: See Continuation Sheet.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

/Naresh Vig/
Primary Examiner, Art Unit 3688

Continuation of 4(e) Other:

Applicant filed preliminary in response to the office action mailed 06 April 2012. In the response filed by the applicant on 05 July 2012, it is deemed that amendments to the previously pending claims were filed, and in addition claims 18 - 21 were added.

In the response filed 13 September 2012, preliminary amendments to the claims were presented by the applicant. However, proper status of newly added claims and amendments made to the claims upon which the office action was mailed 06 April 2012 are not properly identified.

In response to this office action, applicant is requested to file the amended claims and newly added claims with proper identifying information taking claims filed 25 March 2010 as previously pending set of claims based upon which office action was mailed 06 April 2012.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	§	Attorney Docket No.:	42129.6
Timothy L. BOOTH	§		
	§	Group Art Unit:	3688
Application No.: 12/731,973	§		
	§	Examiner:	Naresh Vig
Filed: March 25, 2010	§		
	§	Confirmation No.:	2161
For: SYSTEM AND METHOD OF	§		
ON-LINE ADVERTISING	§		

Mail Stop Amendment

Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

**AMENDMENT – REVISED IN RESPONSE TO
NOTICE OF NON-COMPLIANT AMENDMENT**

Sir:

On September 13, 2012, Applicants provided a response to the Office Action of August 14, 2012. On October 3, 2012, the Office issued a Notice of Non-Compliant Amendment stating that the listing of claims in the previously-filed response did not include proper status identifiers based upon the office action mailed April 6, 2012. Entry of the following amendments and comments into the record of the above-identified application is respectfully requested.

No fees are believed necessary for consideration of the present paper. However, if any fees are necessary, the Commissioner is hereby authorized to charge any such fees to Haynes and Boone, LLP's Deposit Account No. 08-1394.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 9 of this paper.

Listing of Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently amended) A method for delivering an online advertisement comprising: displaying, in a network communication delivered to a recipient during a browsing session, an advertisement associated with a first party, wherein the advertisement contains an interactive element displayed within the advertisement, and wherein the network communication is associated with a second party;

displaying, as a result of an interaction by the recipient with the interactive element, an interface option within the advertisement;

receiving contact information ~~[[in]]~~ inputted into the interface option ~~from~~ by the recipient; ~~and~~

storing the contact information in a database;

displaying, in a further network communication delivered to a recipient, a further advertisement associated with a third party, wherein the further advertisement contains a further interactive element displayed within the further advertisement, and wherein the further network communication is associated with a fourth party;

receiving an indication that the recipient activated the further interactive element displayed within the further advertisement; and

delivering additional information associated with the further advertisement to the recipient using the contact information.

2. (Original) The method of claim 1, wherein the interface option is a text field that is displayed within the advertisement.

3. (Canceled).

4. (Original) The method of claim 1, further comprising sending a confirmation message to the recipient using the contact information.

5. (Currently amended) The method of claim 1, further comprising:
displaying a second interface option within the advertisement, wherein the second interface option displays a delivery preference selectable by the recipient;
receiving the delivery preference in the second interface option; and
storing the delivery preference in a database;
wherein delivering additional information associated with the further advertisement is based in part on the delivery preference.

6. (Currently amended) The method of claim 1, ~~further comprising~~ wherein delivering additional information includes:

~~displaying, in a second network communication to the recipient, a second advertisement associated with a third party that contains a second interactive element within the second advertisement, wherein the second network communication is associated with a fourth party;
receiving an input from the recipient in the second interactive element, wherein the second network communication is still displayed to the recipient after the input is received;~~
querying an identifier stored on a computer associated with the recipient;
identifying an email address associated with the identifier; and
sending advertising information to the email address.

7. (Original) The method of claim 6, wherein the identifier is stored in response to a confirmation message sent to the recipient using the contact information.

8. (Original) The method of claim 6, wherein the email address is entered by the recipient in response to a confirmation message sent to the recipient using the contact information.

9. (Currently amended) A plurality of computer-executable instructions stored on the a computer readable medium for execution by a processor of a computer, wherein upon execution the instructions enable the computer to perform a method for delivering an online advertisement, the plurality of instructions comprising:

instructions for displaying, in a network communication delivered to a recipient during a browsing session, an advertisement associated with a first party, wherein the advertisement contains an interactive element displayed within the advertisement, and wherein the network communication is associated with a second party;

instructions for displaying, as a result of an interaction by the recipient with the interactive element, an interface option within the advertisement;

instructions for receiving contact information [[in]] inputted into the interface option from by the recipient; and

instructions for storing the contact information in a database;

instructions for displaying, in a further network communication delivered to a recipient, a further advertisement associated with a third party, wherein the further advertisement contains a further interactive element displayed within the further advertisement, and wherein the further network communication is associated with a fourth party;

instructions for receiving an indication that the recipient activated the further interactive element displayed within the further advertisement; and

instructions for delivering additional information associated with the further advertisement to the recipient using the contact information.

10. (Original) The plurality of instructions of claim 9, wherein the interface option is a text field that is displayed within the advertisement.

11. (Canceled).

12. (Original) The plurality of instructions of claim 9, further comprising instructions for sending a confirmation message to the recipient using the contact information.

13. (Currently amended) The plurality of instructions of claim 9, further comprising:
instructions for displaying a second interface option within the advertisement, wherein the second interface option displays a delivery preference selectable by the recipient;
instructions for receiving the delivery preference in the second interface option; and
instructions for storing the delivery preference in a database;
wherein the instructions for delivering additional information associated with the further advertisement are based in part on the delivery preference.

14. (Currently amended) The plurality of instructions of claim 9, ~~further comprising~~
wherein the instructions for delivering additional information include:
~~instructions for displaying, in a second network communication to the recipient, a second advertisement associated with a third party that contains a second interactive element within the second advertisement, wherein the second network communication is associated with a fourth party;~~
instructions for receiving an input from the recipient in the second interactive element,
~~wherein the second network communication is still displayed to the recipient after the input is received;~~
instructions for querying an identifier stored on a computer associated with the recipient;
instructions for identifying an email address associated with the identifier; and
instructions for sending advertising information to the email address.

15. (Original) The method of claim 14, wherein the identifier is stored in response to a confirmation message sent to the recipient using the contact information.

16. (Original) The method of claim 14, wherein the email address is entered by the recipient in response to a confirmation message sent to the recipient using the contact information.

17. (Canceled).

18. (New) A method of online advertising, comprising:

- providing an advertisement associated with a first party for display in a network communication delivered to a computing device of a recipient during a browsing session, wherein the advertisement contains an interactive element displayed within the advertisement, and wherein the network communication is associated with a second party different than the first party;
- receiving an indication that the recipient activated the interactive element displayed within the advertisement;
- determining, in response to the receiving the indication, whether an identifier containing unique identifying information about the recipient is present on the computing device;
- if the identifier containing unique identifying information about the recipient is not present on the computing device:
 - causing a text field to be displayed in at least a portion of the advertisement;
 - receiving contact information inputted into the text field by the recipient;
 - generating a user profile associated with the recipient based on the contact information; and
 - causing an identifier associated with the user profile to be stored on the computing device of the recipient; and
- if the identifier containing unique identifying information about the recipient is present on the computing device:
 - retrieving a user profile associated with the recipient from a visitor information database using at least a portion of the identifier, wherein the user profile comprises at least delivery method preferences and demographic information;
 - retrieving additional information associated with the advertisement based on at least a portion of the user profile associated with the recipient;
 - delivering the additional information to the recipient based on the delivery method preferences, the delivering being performed without interrupting the browsing session of the recipient; and

recording the activation by the recipient of the interactive element as recipient tracking data in an analytics server, the recipient tracking data being associated with the unique identifying information about the recipient.

19. (New) The method of claim 18, further including:

causing an interface option to be displayed in at least a portion of the advertisement, wherein the interface option includes a plurality of delivery methods selectable by the recipient; receiving an indication of at least one delivery method selected by the recipient; and updating the delivery method preferences in the user profile of the recipient to reflect the at least one delivery method selected by the recipient.

20. (New) The method of claim 18, further including:

causing a plurality of selectable delivery preference options to be displayed in at least a portion of the advertisement, the plurality of selectable delivery preference options including types of additional information available for delivery to the recipient; receiving an indication of at least one delivery preference selected by the recipient; and updating the user profile of the recipient to reflect the at least one delivery preference selected by the recipient.

21. (New) The method of claim 18, further including:

providing a further advertisement associated with a third party for display in a further network communication delivered to the computing device of the recipient, wherein the further advertisement contains a further interactive element displayed within the further advertisement, and wherein the further network communication is associated with a fourth party different than the third party;

receiving an indication that the recipient activated the further interactive element displayed within the further advertisement;

if the identifier containing unique identifying information about the recipient is present on the computing device:

retrieving the user profile associated with the recipient from the visitor information database using at least a portion of the identifier;

retrieving further additional information associated with the further advertisement based on at least a portion of the user profile associated with the recipient;

delivering the further additional information to the recipient based on the delivery method preferences, the delivering being performed without interrupting the browsing session of the recipient; and

recording the activation by the recipient of the further interactive element as recipient tracking data in the analytics server.

Serial No.: 12/731,973

Attorney Docket No.: 42129.6

Response to Notice of Non-Compliant Amendment mailed October 3, 2012

Customer No.: 27683

Remarks

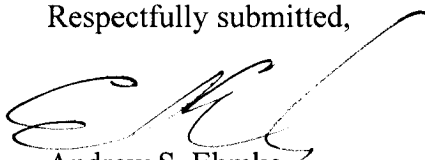
Claims 1, 5, 6, 9, 13 and 14 are amended by this response. Claims 3, 11 and 17 have been canceled. Claims 18-21 are new. Reconsideration of presently pending claims 1, 2, 4-10, 12-16 and 18-21 is respectfully requested in light of the following remarks.

Response to Notice of Non-Compliant Amendment

The Notice objected to the Amendment stating that the listing of claims in the previously-filed response did not include proper status identifiers based on the Office Action mailed April 6, 2012. In that regard, the Applicants respectfully submit that the above corrected sections address the informality identified in the Notice.

Applicants believe no fee is due. However, the Director is hereby authorized to charge any deficiency fees or credit any overpayment associated with this communication to Deposit Account Number 08-1394.

Respectfully submitted,



Andrew S. Ehmke
Reg. No. 50,271

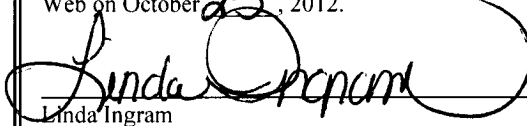
Dated: 10/25/12

HAYNES AND BOONE, LLP
Customer No. 42717
Telephone: 972/739-6923
Facsimile: 214/200-0853
Client Matter No.: 24061.926

File: R-317974_1.doc

Certificate of Service

I hereby certify that this correspondence is being filed
with the U.S. Patent and Trademark Office via EFS-
Web on October 25, 2012.


Linda Ingram

Electronic Acknowledgement Receipt

EFS ID:	14073236
Application Number:	12731973
International Application Number:	
Confirmation Number:	2161
Title of Invention:	System and Method of On-line Advertising
First Named Inventor/Applicant Name:	Timothy L. Booth
Customer Number:	27683
Filer:	Andrew s. Ehmke/Linda Ingram
Filer Authorized By:	Andrew s. Ehmke
Attorney Docket Number:	42129.6
Receipt Date:	25-OCT-2012
Filing Date:	25-MAR-2010
Time Stamp:	12:31:22
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		42129_6_Amendment.pdf	364118 aecfb150b0876d858e91fd18b4f9e1242e71385e	yes	9

Multipart Description/PDF files in .zip description

	Document Description	Start	End
	Amendment/Req. Reconsideration-After Non-Final Reject	1	1
	Claims	2	8
	Applicant Arguments/Remarks Made in an Amendment	9	9

Warnings:**Information:****Total Files Size (in bytes):**

364118

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

PTO/SB/06 (07-06)

Approved for use through 1/31/2007. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 12/731,973		Filing Date 03/25/2010		<input type="checkbox"/> To be Mailed	
APPLICATION AS FILED – PART I										
(Column 1)			(Column 2)			SMALL ENTITY <input checked="" type="checkbox"/> OR		OTHER THAN SMALL ENTITY		
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	OR	RATE (\$)	FEE (\$)			
<input type="checkbox"/> BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A				
<input type="checkbox"/> SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A			N/A				
<input type="checkbox"/> EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A				
TOTAL CLAIMS (37 CFR 1.16(j))	minus 20 =	*	X \$	=	OR	X \$	=			
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$	=		X \$	=			
<input type="checkbox"/> APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).									
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))										
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL				
APPLICATION AS AMENDED – PART II										
(Column 1)			(Column 2)			SMALL ENTITY OR		OTHER THAN SMALL ENTITY		
AMENDMENT	10/25/2012	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	* 18	Minus	** 21	=	0	OR	X \$	=	
	Independent (37 CFR 1.16(h))	* 3	Minus	***3	=	0	OR	X \$	=	
<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))										
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR			
					TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE		
(Column 1)			(Column 2)			SMALL ENTITY OR		OTHER THAN SMALL ENTITY		
AMENDMENT	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)		
	Total (37 CFR 1.16(i))	*	Minus	**	=		X \$	=		
	Independent (37 CFR 1.16(h))	*	Minus	***	=		X \$	=		
<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))										
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR			
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE		
<p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.</p> <p>** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".</p> <p>*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".</p> <p>The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.</p>										

Legal Instrument Examiner:
/DORRETTA BROOKS/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/731,973	03/25/2010	Timothy L. Booth	42129.6	2161

27683 7590 12/04/2012

HAYNES AND BOONE, LLP

IP Section

2323 Victory Avenue

Suite 700

Dallas, TX 75219

EXAMINER

VIG, NARESH

ART UNIT

PAPER NUMBER

3688

MAIL DATE

DELIVERY MODE

12/04/2012

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

12/731,973

Applicant(s)

BOOTH ET AL.

Examiner

NARESH VIG

Art Unit

3688

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2012.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1,2,4-10,12-16 and 18-21 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☐ Claim(s) ____ is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☒ Claim(s) 1-2, 4-10, 12-16 and 18-21 are subject to restriction and/or election requirement.

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 4) ☐ Other: ____.

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DETAILED ACTION

This is in reference to communication received 25 October 2012. Addition of claims 18 – 21 is acknowledged. Claims 1 – 2, 4 – 10, 12 – 16 and 18 – 21 are pending for examination.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1 – 2, 4 – 10 and 12 – 16, (invention as originally presented) drawn to system and method for delivering an online advertisement by displaying an advertisement associated with a first party, wherein the advertisement contains an interactive element displayed within the advertisement, and wherein the network communication is associated with a second party; displaying an interface option within the advertisement; receiving contact information inputted into the interface option by the recipient; displaying, a further advertisement associated with a third party, wherein the further advertisement contains a further interactive element displayed within the further advertisement, and wherein the further network communication is associated with a fourth party; delivering additional information associated with the further advertisement to the recipient using the contact information, classified in class 705, subclass 14.73.

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- II. Claims 18 – 21, (newly added claims) drawn to system and method for online advertising by providing an advertisement associated with a first party for display in a network communication delivered to a computing device of a recipient during a browsing session; determining, whether unique identifying information about the recipient is not present on the computing device; receiving contact information; generating a user profile associated with the recipient based on the contact information; and if the identifier containing unique identifying information about the recipient is present on the computing device: retrieving a user profile associated with the recipient from a visitor information database using at least a portion of the identifier; retrieving additional information associated with the advertisement based on at least a portion of the user profile associated with the recipient; delivering the additional information to the recipient based on the delivery method preferences, and recording the activation by the recipient of the interactive element as recipient tracking data in an analytics server, classified in class 705, subclass 14.73.

The inventions are distinct, each from the other because of the following reasons:

Inventions I – II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case,

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subcombination II has separate utility such as determining, whether unique identifying information about the recipient is not present on the computing device; receiving contact information; generating a user profile associated with the recipient based on the contact information; and if the identifier containing unique identifying information about the recipient is present on the computing device: retrieving a user profile associated with the recipient from a visitor information database using at least a portion of the identifier; retrieving additional information associated with the advertisement based on at least a portion of the user profile associated with the recipient; delivering the additional information to the recipient based on the delivery method preferences, and recording the activation by the recipient of the interactive element as recipient tracking data in an analytics server,.

Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and/or examination burden if restriction were not required because at least the following reason(s) apply:

- (a) the inventions have acquired a separate status in the art in view of their different classification;
- (b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;
- (c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);

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(d) the prior art applicable to one invention would not likely be applicable to another invention;

(e) the inventions are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable upon the elected invention.

Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

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A telephone interview was not conducted due to complexity of the restriction requirement and since the examiner knows from past experience that an election will not be made by telephone. (see MPEP 812.01).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to NARESH VIG whose telephone number is (571)272-6810. The examiner can normally be reached on Mon-Thu 7:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 1, 2012

/Naresh Vig/
Primary Examiner, Art Unit 3688

<i>Index of Claims</i> 	Application/Control No. 12731973	Applicant(s)/Patent Under Reexamination BOOTH ET AL.
	Examiner NARESH VIG	Art Unit 3688

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant				<input type="checkbox"/> CPA		<input type="checkbox"/> T.D.		<input type="checkbox"/> R.1.47	
CLAIM		DATE							
Final	Original	04/03/2012	12/01/2012						
	1	✓	÷						
	2	✓	÷						
	3	✓	-						
	4	✓	÷						
	5	✓	÷						
	6	✓	÷						
	7	✓	÷						
	8	✓	÷						
	9	✓	÷						
	10	✓	÷						
	11	✓	-						
	12	✓	÷						
	13	✓	÷						
	14	✓	÷						
	15	✓	÷						
	16	✓	÷						
	17	✓	-						
	18		÷						
	19		÷						
	20		÷						
	21		÷						

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	§	Attorney Docket No.: 42129.6
Timothy L. BOOTH	§	
	§	Group Art Unit: 3688
Application No.: 12/731,973	§	
	§	Examiner: Naresh Vig
Filed: March 25, 2010	§	
	§	Confirmation No.: 2161
For: SYSTEM AND METHOD OF	§	
ON-LINE ADVERTISING	§	

Mail Stop Amendment

Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION MAILED DECEMBER 4, 2012

Sir:

The present paper is being submitted in response to the Office Action mailed December 4, 2012.

No fees are believed necessary for consideration of the present paper. However, if any fees are necessary, the Commissioner is hereby authorized to charge any such fees to Haynes and Boone, LLP's Deposit Account No. 08-1394.

The **Listing of Claims** begins on page 2.

Remarks begin on page 8.

Listing of Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Previously presented) A method for delivering an online advertisement comprising: displaying, in a network communication delivered to a recipient during a browsing session, an advertisement associated with a first party, wherein the advertisement contains an interactive element displayed within the advertisement, and wherein the network communication is associated with a second party;

displaying, as a result of an interaction by the recipient with the interactive element, an interface option within the advertisement;

receiving contact information inputted into the interface option by the recipient;

storing the contact information in a database;

displaying, in a further network communication delivered to a recipient, a further advertisement associated with a third party, wherein the further advertisement contains a further interactive element displayed within the further advertisement, and wherein the further network communication is associated with a fourth party;

receiving an indication that the recipient activated the further interactive element displayed within the further advertisement; and

delivering additional information associated with the further advertisement to the recipient using the contact information.

2. (Original) The method of claim 1, wherein the interface option is a text field that is displayed within the advertisement.

3. (Canceled).

4. (Original) The method of claim 1, further comprising sending a confirmation message to the recipient using the contact information.

5. (Previously presented) The method of claim 1, further comprising:

displaying a second interface option within the advertisement, wherein the second interface option displays a delivery preference selectable by the recipient;
receiving the delivery preference in the second interface option; and
storing the delivery preference in a database;
wherein delivering additional information associated with the further advertisement is based in part on the delivery preference.

6. (Previously presented) The method of claim 1, wherein delivering additional information includes:

querying an identifier stored on a computer associated with the recipient;
identifying an email address associated with the identifier; and
sending advertising information to the email address.

7. (Original) The method of claim 6, wherein the identifier is stored in response to a confirmation message sent to the recipient using the contact information.

8. (Original) The method of claim 6, wherein the email address is entered by the recipient in response to a confirmation message sent to the recipient using the contact information.

9. (Previously presented) A plurality of computer-executable instructions stored on a computer readable medium for execution by a processor of a computer, wherein upon execution the instructions enable the computer to perform a method for delivering an online advertisement, the plurality of instructions comprising:

instructions for displaying, in a network communication delivered to a recipient during a browsing session, an advertisement associated with a first party, wherein the advertisement contains an interactive element displayed within the advertisement, and wherein the network communication is associated with a second party;

instructions for displaying, as a result of an interaction by the recipient with the interactive element, an interface option within the advertisement;

instructions for receiving contact information inputted into the interface option by the recipient;

instructions for storing the contact information in a database;

instructions for displaying, in a further network communication delivered to a recipient, a further advertisement associated with a third party, wherein the further advertisement contains a further interactive element displayed within the further advertisement, and wherein the further network communication is associated with a fourth party;

instructions for receiving an indication that the recipient activated the further interactive element displayed within the further advertisement; and

instructions for delivering additional information associated with the further advertisement to the recipient using the contact information.

10. (Original) The plurality of instructions of claim 9, wherein the interface option is a text field that is displayed within the advertisement.

11. (Canceled).

12. (Original) The plurality of instructions of claim 9, further comprising instructions for sending a confirmation message to the recipient using the contact information.

13. (Previously presented) The plurality of instructions of claim 9, further comprising:
instructions for displaying a second interface option within the advertisement, wherein the second interface option displays a delivery preference selectable by the recipient;
instructions for receiving the delivery preference in the second interface option; and
instructions for storing the delivery preference in a database;
wherein the instructions for delivering additional information associated with the further advertisement are based in part on the delivery preference.

14. (Previously presented) The plurality of instructions of claim 9, wherein the instructions for delivering additional information include:

instructions for querying an identifier stored on a computer associated with the recipient;

instructions for identifying an email address associated with the identifier; and
instructions for sending advertising information to the email address.

15. (Original) The method of claim 14, wherein the identifier is stored in response to a confirmation message sent to the recipient using the contact information.

16. (Original) The method of claim 14, wherein the email address is entered by the recipient in response to a confirmation message sent to the recipient using the contact information.

17. (Canceled).

18. (Previously presented) A method of online advertising, comprising:
providing an advertisement associated with a first party for display in a network communication delivered to a computing device of a recipient during a browsing session, wherein the advertisement contains an interactive element displayed within the advertisement, and wherein the network communication is associated with a second party different than the first party;

receiving an indication that the recipient activated the interactive element displayed within the advertisement;

determining, in response to the receiving the indication, whether an identifier containing unique identifying information about the recipient is present on the computing device;

if the identifier containing unique identifying information about the recipient is not present on the computing device:

causing a text field to be displayed in at least a portion of the advertisement;

receiving contact information inputted into the text field by the recipient;

generating a user profile associated with the recipient based on the contact information; and

causing an identifier associated with the user profile to be stored on the computing device of the recipient; and

if the identifier containing unique identifying information about the recipient is present on the computing device:

retrieving a user profile associated with the recipient from a visitor information database using at least a portion of the identifier, wherein the user profile comprises at least delivery method preferences and demographic information;

retrieving additional information associated with the advertisement based on at least a portion of the user profile associated with the recipient;

delivering the additional information to the recipient based on the delivery method preferences, the delivering being performed without interrupting the browsing session of the recipient; and

recording the activation by the recipient of the interactive element as recipient tracking data in an analytics server, the recipient tracking data being associated with the unique identifying information about the recipient.

19. (Previously presented) The method of claim 18, further including:

causing an interface option to be displayed in at least a portion of the advertisement, wherein the interface option includes a plurality of delivery methods selectable by the recipient; receiving an indication of at least one delivery method selected by the recipient; and updating the delivery method preferences in the user profile of the recipient to reflect the at least one delivery method selected by the recipient.

20. (Previously presented) The method of claim 18, further including:

causing a plurality of selectable delivery preference options to be displayed in at least a portion of the advertisement, the plurality of selectable delivery preference options including types of additional information available for delivery to the recipient;

receiving an indication of at least one delivery preference selected by the recipient; and updating the user profile of the recipient to reflect the at least one delivery preference selected by the recipient.

21. (Previously presented) The method of claim 18, further including:

providing a further advertisement associated with a third party for display in a further network communication delivered to the computing device of the recipient, wherein the further advertisement contains a further interactive element displayed within the further advertisement, and wherein the further network communication is associated with a fourth party different than the third party;

receiving an indication that the recipient activated the further interactive element displayed within the further advertisement;

if the identifier containing unique identifying information about the recipient is present on the computing device:

retrieving the user profile associated with the recipient from the visitor information database using at least a portion of the identifier;

retrieving further additional information associated with the further advertisement based on at least a portion of the user profile associated with the recipient;

delivering the further additional information to the recipient based on the delivery method preferences, the delivering being performed without interrupting the browsing session of the recipient; and

recording the activation by the recipient of the further interactive element as recipient tracking data in the analytics server.

REMARKS

Claims 1, 2, 4-10, 12-16 and 18-21 are pending in the present application. The Office Action requires election between the inventions set forth in the following groups:

- I. Claims 1, 2, 4-10, 12-16, drawn to system and method for delivering an online advertisement, classified in class 705, subclass 14.73; and
- II. Claims 18-21, drawn to system and method for delivering an online advertisement, classified in class 705, subclass 14.73.

Applicants hereby elect group II (claims 18-21) with traverse. In that regard, MPEP § 803 clearly states that:

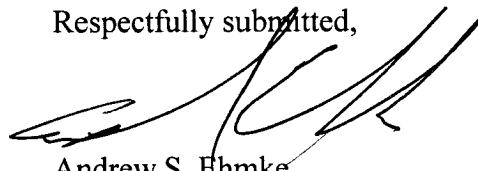
There are two criteria for a proper requirement for restriction between patentably distinct inventions:

(A) The inventions must be independent (see MPEP § 802.01, § 806.06, § 808.01) or distinct as claimed (see MPEP § 806.05 - § 806.05(j)); and

(B) There would be a serious burden on the examiner if restriction is not required (see MPEP § 803.02, § 808, and § 808.02). (emphasis added)

In the present application, Applicants respectfully submit that there would not be a serious burden on the Examiner if the inventions of groups I and II were considered together. Should the Examiner have any questions or comments, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



Andrew S. Ehmke
Reg. No. 50,271

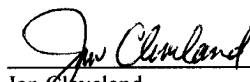
Dated: Jan 3, 2013

HAYNES AND BOONE, LLP
Customer No. 27683
Telephone: 972/739-8639
Facsimile: 214/200-0853
Client Matter No.: 42129.6

File: R-322715_1.doc

Certificate of Service

I hereby certify that this correspondence is being filed with the U.S. Patent and Trademark Office via EFS-Web on January 3, 2013



Jan Cleveland

Electronic Acknowledgement Receipt

EFS ID:	14605517
Application Number:	12731973
International Application Number:	
Confirmation Number:	2161
Title of Invention:	System and Method of On-line Advertising
First Named Inventor/Applicant Name:	Timothy L. Booth
Customer Number:	27683
Filer:	Andrew s. Ehmke/jan cleveland
Filer Authorized By:	Andrew s. Ehmke
Attorney Docket Number:	42129.6
Receipt Date:	03-JAN-2013
Filing Date:	25-MAR-2010
Time Stamp:	12:58:35
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		42129-6response.pdf	331207 a469cd725bdb1f3f54d36fd37d6e3ba8cbb2dfbee	yes	8

Multipart Description/PDF files in .zip description

	Document Description	Start	End
	Response to Election / Restriction Filed	1	1
	Claims	2	7
	Applicant Arguments/Remarks Made in an Amendment	8	8

Warnings:**Information:****Total Files Size (in bytes):**

331207

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 12/731,973		Filing Date 03/25/2010		<input type="checkbox"/> To be Mailed	
APPLICATION AS FILED – PART I										
(Column 1)			(Column 2)			SMALL ENTITY <input checked="" type="checkbox"/> OR		OTHER THAN SMALL ENTITY		
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	OR	RATE (\$)	FEE (\$)			
<input type="checkbox"/> BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A				
<input type="checkbox"/> SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A			N/A				
<input type="checkbox"/> EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A				
TOTAL CLAIMS (37 CFR 1.16(j))	minus 20 =	*	X \$	=	OR	X \$	=			
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$	=		X \$	=			
<input type="checkbox"/> APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).									
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))										
* If the difference in column 1 is less than zero, enter "0" in column 2.										
APPLICATION AS AMENDED – PART II										
(Column 1)			(Column 2)			SMALL ENTITY OR		OTHER THAN SMALL ENTITY		
AMENDMENT	01/03/2013	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	* 18	Minus	** 21	=	0	OR	X \$	=	
	Independent (37 CFR 1.16(h))	* 3	Minus	*** 3	=	0	OR	X \$	=	
<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))										
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))										
					TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE		
(Column 1)			(Column 2)			SMALL ENTITY OR		OTHER THAN SMALL ENTITY		
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	*	Minus	**	=		OR	X \$	=	
	Independent (37 CFR 1.16(h))	*	Minus	***	=		OR	X \$	=	
<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))										
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))										
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE		
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.										

Legal Instrument Examiner:
/KIMBERLY PANNELL/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/731,973	03/25/2010	Timothy L. Booth	42129.6	2161

27683 7590 03/14/2013

HAYNES AND BOONE, LLP

IP Section

2323 Victory Avenue

Suite 700

Dallas, TX 75219

EXAMINER

VIG, NARESH

ART UNIT

PAPER NUMBER

3688

MAIL DATE

DELIVERY MODE

03/14/2013

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

12/731,973

Applicant(s)

BOOTH ET AL.

Examiner

NARESH VIG

Art Unit

3688

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2013.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1,2,4-10,12-16 and 18-21 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☐ Claim(s) ____ is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☒ Claim(s) 1,2,4-10,12-16 and 18-21 are subject to restriction and/or election requirement.

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 4) ☐ Other: ____.

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DETAILED ACTION

This is in reference to communication received 03 January 3013. Claims 1 – 2, 4 – 10, 12 – 16 and 18 – 21 are pending for examination.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1 – 2, 4 – 10 and 12 – 16, (invention as originally presented) drawn to system and method for delivering an online advertisement by displaying an advertisement associated with a first party, wherein the advertisement contains an interactive element displayed within the advertisement, and wherein the network communication is associated with a second party; displaying an interface option within the advertisement; receiving contact information inputted into the interface option by the recipient; displaying, a further advertisement associated with a third party, wherein the further advertisement contains a further interactive element displayed within the further advertisement, and wherein the further network communication is associated with a fourth party; delivering additional information associated with the further advertisement to the recipient using the contact information, classified in class 705, subclass 14.73.
- II. Claims 18 – 21, (newly added claims) drawn to system and method for online advertising by providing an advertisement associated with a first

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party for display in a network communication delivered to a computing device of a recipient during a browsing session; determining, whether unique identifying information about the recipient is not present on the computing device; receiving contact information; generating a user profile associated with the recipient based on the contact information; and if the identifier containing unique identifying information about the recipient is present on the computing device: retrieving a user profile associated with the recipient from a visitor information database using at least a portion of the identifier; retrieving additional information associated with the advertisement based on at least a portion of the user profile associated with the recipient; delivering the additional information to the recipient based on the delivery method preferences, and recording the activation by the recipient of the interactive element as recipient tracking data in an analytics server, classified in class 705, subclass 14.73.

The inventions are distinct, each from the other because of the following reasons:

Inventions I – II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case,

subcombination I has separate utility such as system and method for delivering an online advertisement (from first advertiser) by delivering to a recipient during a

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browsing session, an advertisement associated with a first party, when the recipient interacts with the advertisement, an interface is displayed to the recipient in which the user inputs contact information. Same process is conducted for a second advertiser (i.e. contact information of the recipient are collected and stored on a server which is remote from the recipient device). In future displaying of advertisements, when the user activates an interactive element in the displayed advertisement, additional information associated with the further advertisement is delivered and displayed to the recipient using the contact information (stored contact information on the server). **Invention as originally claimed does not store the recipient contact information on the computing device of the recipient** (e.g. cookies stored on recipient device)

subcombination II has separate utility such as storing a cookie stored on the recipient computing device, user profile associated with the recipient from a visitor information database is retrieved using at least a portion of the identifier (which is stored as a cookie), additional information associated with the advertisement based on at least a portion of the user profile associated with the recipient is retrieved; and an analytics server tracks activation of the advertisement by the recipient and associates it with the unique identifying information about the recipient.

This clearly shows that the random broadcast of advertisement to recipients and providing additional information related to the broadcasted advertisement when the recipient activates an interactive indicator (invention as originally filed) is different than providing advertising content to the recipient by extracting the information stored on the

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computing device of the recipient, and based on the content stored on the cookie, target advertisement is sent to said recipient (New Invention).

If the applicant still believes that the two claimed inventions are not distinct, applicant is requested to explain their reason why the inventions as claimed are not distinct (e.g. why user specific target advertising and general broadcast advertising are same in scope for the claimed invention).

Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and/or examination burden if restriction were not required because at least the following reason(s) apply:

- (a) the inventions have acquired a separate status in the art in view of their different classification;
- (b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;
- (c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);
- (d) the prior art applicable to one invention would not likely be applicable to another invention;
- (e) the inventions are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

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Applicant is advised that the reply to this requirement to be complete must include (i) an election of a invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable upon the elected invention.

Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

A telephone interview was not conducted due to complexity of the restriction requirement and since the examiner knows from past experience that an election will not be made by telephone. (see MPEP 812.01).

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Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to NARESH VIG whose telephone number is (571)272-6810. The examiner can normally be reached on Mon-Thu 7:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

March 9, 2013

/Naresh Vig/
Primary Examiner, Art Unit 3688

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	§	Attorney Docket No.: 42129.6
Timothy L. BOOTH	§	
	§	Group Art Unit: 3688
Application No.: 12/731,973	§	
	§	Examiner: Naresh Vig
Filed: March 25, 2010	§	
	§	Confirmation No.: 2161
For: SYSTEM AND METHOD OF	§	
ON-LINE ADVERTISING	§	

Mail Stop Amendment

Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION MAILED MARCH 14, 2014

Sir:

The present paper is being submitted in response to the Office Action mailed March 14, 2013.

No fees are believed necessary for consideration of the present paper. However, if any fees are necessary, the Commissioner is hereby authorized to charge any such fees to Haynes and Boone, LLP's Deposit Account No. 08-1394.

The **Listing of Claims** begins on page 2.

Remarks begin on page 8.

Listing of Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Previously presented) A method for delivering an online advertisement comprising: displaying, in a network communication delivered to a recipient during a browsing session, an advertisement associated with a first party, wherein the advertisement contains an interactive element displayed within the advertisement, and wherein the network communication is associated with a second party;

displaying, as a result of an interaction by the recipient with the interactive element, an interface option within the advertisement;

receiving contact information inputted into the interface option by the recipient;

storing the contact information in a database;

displaying, in a further network communication delivered to a recipient, a further advertisement associated with a third party, wherein the further advertisement contains a further interactive element displayed within the further advertisement, and wherein the further network communication is associated with a fourth party;

receiving an indication that the recipient activated the further interactive element displayed within the further advertisement; and

delivering additional information associated with the further advertisement to the recipient using the contact information.

2. (Original) The method of claim 1, wherein the interface option is a text field that is displayed within the advertisement.

3. (Canceled).

4. (Original) The method of claim 1, further comprising sending a confirmation message to the recipient using the contact information.

5. (Previously presented) The method of claim 1, further comprising:

displaying a second interface option within the advertisement, wherein the second interface option displays a delivery preference selectable by the recipient;
receiving the delivery preference in the second interface option; and
storing the delivery preference in a database;
wherein delivering additional information associated with the further advertisement is based in part on the delivery preference.

6. (Previously presented) The method of claim 1, wherein delivering additional information includes:

querying an identifier stored on a computer associated with the recipient;
identifying an email address associated with the identifier; and
sending advertising information to the email address.

7. (Original) The method of claim 6, wherein the identifier is stored in response to a confirmation message sent to the recipient using the contact information.

8. (Original) The method of claim 6, wherein the email address is entered by the recipient in response to a confirmation message sent to the recipient using the contact information.

9. (Previously presented) A plurality of computer-executable instructions stored on a computer readable medium for execution by a processor of a computer, wherein upon execution the instructions enable the computer to perform a method for delivering an online advertisement, the plurality of instructions comprising:

instructions for displaying, in a network communication delivered to a recipient during a browsing session, an advertisement associated with a first party, wherein the advertisement contains an interactive element displayed within the advertisement, and wherein the network communication is associated with a second party;

instructions for displaying, as a result of an interaction by the recipient with the interactive element, an interface option within the advertisement;

instructions for receiving contact information inputted into the interface option by the recipient;

instructions for storing the contact information in a database;

instructions for displaying, in a further network communication delivered to a recipient, a further advertisement associated with a third party, wherein the further advertisement contains a further interactive element displayed within the further advertisement, and wherein the further network communication is associated with a fourth party;

instructions for receiving an indication that the recipient activated the further interactive element displayed within the further advertisement; and

instructions for delivering additional information associated with the further advertisement to the recipient using the contact information.

10. (Original) The plurality of instructions of claim 9, wherein the interface option is a text field that is displayed within the advertisement.

11. (Canceled).

12. (Original) The plurality of instructions of claim 9, further comprising instructions for sending a confirmation message to the recipient using the contact information.

13. (Previously presented) The plurality of instructions of claim 9, further comprising:
instructions for displaying a second interface option within the advertisement, wherein the second interface option displays a delivery preference selectable by the recipient;
instructions for receiving the delivery preference in the second interface option; and
instructions for storing the delivery preference in a database;
wherein the instructions for delivering additional information associated with the further advertisement are based in part on the delivery preference.

14. (Previously presented) The plurality of instructions of claim 9, wherein the instructions for delivering additional information include:
instructions for querying an identifier stored on a computer associated with the recipient;

instructions for identifying an email address associated with the identifier; and
instructions for sending advertising information to the email address.

15. (Original) The method of claim 14, wherein the identifier is stored in response to a confirmation message sent to the recipient using the contact information.

16. (Original) The method of claim 14, wherein the email address is entered by the recipient in response to a confirmation message sent to the recipient using the contact information.

17. (Canceled).

18. (Previously presented) A method of online advertising, comprising:
providing an advertisement associated with a first party for display in a network communication delivered to a computing device of a recipient during a browsing session, wherein the advertisement contains an interactive element displayed within the advertisement, and wherein the network communication is associated with a second party different than the first party;

receiving an indication that the recipient activated the interactive element displayed within the advertisement;

determining, in response to the receiving the indication, whether an identifier containing unique identifying information about the recipient is present on the computing device;

if the identifier containing unique identifying information about the recipient is not present on the computing device:

causing a text field to be displayed in at least a portion of the advertisement;

receiving contact information inputted into the text field by the recipient;

generating a user profile associated with the recipient based on the contact information; and

causing an identifier associated with the user profile to be stored on the computing device of the recipient; and

if the identifier containing unique identifying information about the recipient is present on the computing device:

retrieving a user profile associated with the recipient from a visitor information database using at least a portion of the identifier, wherein the user profile comprises at least delivery method preferences and demographic information;

retrieving additional information associated with the advertisement based on at least a portion of the user profile associated with the recipient;

delivering the additional information to the recipient based on the delivery method preferences, the delivering being performed without interrupting the browsing session of the recipient; and

recording the activation by the recipient of the interactive element as recipient tracking data in an analytics server, the recipient tracking data being associated with the unique identifying information about the recipient.

19. (Previously presented) The method of claim 18, further including:

causing an interface option to be displayed in at least a portion of the advertisement, wherein the interface option includes a plurality of delivery methods selectable by the recipient; receiving an indication of at least one delivery method selected by the recipient; and updating the delivery method preferences in the user profile of the recipient to reflect the at least one delivery method selected by the recipient.

20. (Previously presented) The method of claim 18, further including:

causing a plurality of selectable delivery preference options to be displayed in at least a portion of the advertisement, the plurality of selectable delivery preference options including types of additional information available for delivery to the recipient; receiving an indication of at least one delivery preference selected by the recipient; and updating the user profile of the recipient to reflect the at least one delivery preference selected by the recipient.

21. (Previously presented) The method of claim 18, further including:

providing a further advertisement associated with a third party for display in a further network communication delivered to the computing device of the recipient, wherein the further advertisement contains a further interactive element displayed within the further advertisement, and wherein the further network communication is associated with a fourth party different than the third party;

receiving an indication that the recipient activated the further interactive element displayed within the further advertisement;

if the identifier containing unique identifying information about the recipient is present on the computing device:

retrieving the user profile associated with the recipient from the visitor information database using at least a portion of the identifier;

retrieving further additional information associated with the further advertisement based on at least a portion of the user profile associated with the recipient;

delivering the further additional information to the recipient based on the delivery method preferences, the delivering being performed without interrupting the browsing session of the recipient; and

recording the activation by the recipient of the further interactive element as recipient tracking data in the analytics server.

REMARKS

Claims 1, 2, 4-10, 12-16 and 18-21 are pending in the present application. The Office Action requires election between the inventions set forth in the following groups:

- I. Claims 1, 2, 4-10, 12-16, drawn to system and method for delivering an online advertisement, classified in class 705, subclass 14.73; and
- II. Claims 18-21, drawn to system and method for delivering an online advertisement, classified in class 705, subclass 14.73.

Applicants hereby elect group II (claims 18-21) with traverse. In that regard, MPEP § 803 clearly states that:

There are two criteria for a proper requirement for restriction between patentably distinct inventions:

(A) The inventions must be independent (see MPEP § 802.01, § 806.06, § 808.01) or distinct as claimed (see MPEP § 806.05 - § 806.05(j)); and

(B) There would be a serious burden on the examiner if restriction is not required (see MPEP § 803.02, § 808, and § 808.02). (emphasis added)

In the present application, Applicants respectfully submit that there would not be a serious burden on the Examiner if the inventions of groups I and II were considered together. Should the Examiner have any questions or comments, the Examiner is invited to call the undersigned attorney.

The present Office Action contains characterizations of the claims with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

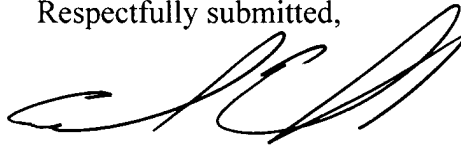
Application No.: 12/731,973

Attorney Docket No.: 42129.6

Response to Office Action mailed March 14, 2013

Customer No.: 27683

Respectfully submitted,



Andrew S. Ehmke

Reg. No. 50,271

Dated: 4/2/13

HAYNES AND BOONE, LLP

Customer No. 27683

Telephone: 972/739-8639

Facsimile: 214/200-0853

Client Matter No.: 42129.6

File: R-330495_1.doc

Certificate of Service

I hereby certify that this correspondence is being filed
with the U.S. Patent and Trademark Office via EFS-
Web on 4-2-13.



Carol Marstaller

Electronic Acknowledgement Receipt

EFS ID:	15413604
Application Number:	12731973
International Application Number:	
Confirmation Number:	2161
Title of Invention:	System and Method of On-line Advertising
First Named Inventor/Applicant Name:	Timothy L. Booth
Customer Number:	27683
Filer:	Andrew s. Ehmke/Carol Marstaller
Filer Authorized By:	Andrew s. Ehmke
Attorney Docket Number:	42129.6
Receipt Date:	02-APR-2013
Filing Date:	25-MAR-2010
Time Stamp:	16:34:34
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Amendment/Req. Reconsideration-After Non-Final Reject	42129-6_Response.pdf	371334 08fed677b28f0c2711ce251ba4e14060a41a8d5b	no	9

Warnings:**Information:**

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

PTO/SB/06 (07-06)

Approved for use through 1/31/2007. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 12/731,973		Filing Date 03/25/2010		<input type="checkbox"/> To be Mailed	
APPLICATION AS FILED – PART I										
(Column 1)			(Column 2)			SMALL ENTITY <input checked="" type="checkbox"/> OR		OTHER THAN SMALL ENTITY		
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	OR	RATE (\$)	FEE (\$)			
<input type="checkbox"/> BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A				
<input type="checkbox"/> SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A			N/A				
<input type="checkbox"/> EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A				
TOTAL CLAIMS (37 CFR 1.16(j))	minus 20 =	*	X \$	=	OR	X \$	=			
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$	=		X \$	=			
<input type="checkbox"/> APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).									
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))										
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL				
APPLICATION AS AMENDED – PART II										
(Column 1)			(Column 2)			SMALL ENTITY OR		OTHER THAN SMALL ENTITY		
AMENDMENT	04/02/2013	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	* 18	Minus	** 21	=	0	OR	X \$	=	
	Independent (37 CFR 1.16(h))	* 3	Minus	*** 3	=	0	OR	X \$	=	
<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))										
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR			
					TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE		
(Column 1)			(Column 2)			(Column 3)				
AMENDMENT	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)		
	Total (37 CFR 1.16(i))	*	Minus	**	=		X \$	=		
	Independent (37 CFR 1.16(h))	*	Minus	***	=		X \$	=		
<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))										
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR			
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE		
<p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.</p> <p>** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".</p> <p>*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".</p> <p>The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.</p>										

Legal Instrument Examiner:
/RENEE COLLINS/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/731,973	03/25/2010	Timothy L. Booth	42129.6	2161

27683 7590 06/04/2013

HAYNES AND BOONE, LLP

IP Section

2323 Victory Avenue

Suite 700

Dallas, TX 75219

EXAMINER

VIG, NARESH

ART UNIT

PAPER NUMBER

3688

MAIL DATE

DELIVERY MODE

06/04/2013

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action SummaryApplication No.
12/731,973Applicant(s)
BOOTH ET AL.Examiner
NARESH VIGArt Unit
3688AIA (First Inventor to File)
Status
No**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2 April 2013.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 18-21 is/are pending in the application.
 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 18-21 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

- a) ☐ All b) ☐ Some * c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Interim copies:

- a) ☐ All b) ☐ Some c) ☐ None of the: Interim copies of the priority documents have been received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date ____.
- 3) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. ____.
- 4) ☐ Other: ____.

Application/Control Number: 12/731,973
Art Unit: 3688

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DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of claims 18 - 21 in the reply filed on 02 April 2013 is acknowledged. The traversal is on the ground(s) that there would not be burden on examiner. This is not found persuasive because why the inventions are distinct has been communicated to the applicant in communication mailed 14 March 2013. The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 112

The following is a quotation of 35 U.S.C. 112(b):

(B) CONCLUSION.—The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the inventor or a joint inventor regards as the invention.

The following is a quotation of 35 U.S.C. 112 (pre-AIA), second paragraph:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 18 – 21 are rejected under 35 U.S.C. 112(b) or 35 U.S.C. 112 (pre-AIA), second paragraph, as being vague to particularly point out and distinctly claim the subject matter which the inventor or a joint inventor, or for pre-AIA the applicant regards as the invention. Applicant recites “recording the activation by the recipient of the interactive element as recipient tracking data in an analytics server, the recipient tracking data being associated with the unique identifying information about the

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recipient". Applicant has not positively claimed how said tracking of user activation of advertisements is tied to the claimed invention because said collected tracking information is not used in the claimed invention. As currently claimed, it is deemed that said tracking of user interaction with the advertisement is an insignificant activity.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18 – 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott et al. US Publication 2006/0149630 in view of Crespo et al. US Publication 2011/0246593.

Regarding claim 18, Elliott teaches capability and concept of system and method for providing advertisements to recipient and allow the recipient to obtain further information to the recipient using their contact information [Elliott, 0009, Fig. 3 and associated disclosure]. Elliott teaches capability and concept for:

Application/Control Number: 12/731,973
Art Unit: 3688

Page 4

providing an advertisement associated with a first party (advertiser) for display in a network communication delivered to a computing device of a recipient during a browsing session, wherein the advertisement contains an interactive element displayed within the advertisement, and wherein the network communication is associated with a second party different than the first party (advertising intermediary) [Elliott, Fig. 3 and associated disclosure];

receiving an indication that the recipient activated the interactive element displayed within the advertisement [Elliott, Fig. 3 and associated disclosure];

determining, in response to the receiving the indication, whether an identifier containing unique identifying information about the recipient is present on the computing device (**using of cookies to identify recipients which is stored on recipients computing device is an old and known technology used by businesses in advertising industry**); Crespo teaches capability and concept of system and method for managing communication between merchant and recipients [Crespo, 0005]. Crespo teaches capability and concept for determining whether unique identifying information is present for the user [Crespo, Fig. 7 and associated disclosure].

Therefore, at the time of invention, it would have been obvious to one of ordinary skill in the art to modify Elliott by adopting teachings of Crespo to maintain privacy of recipients; minimize spam recipient by recipients; apply a known technique to a known device (method, or product) ready for improvement to yield predictable results; known work in one field of endeavor may prompt variations of it for use in either the same field

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or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art.

Elliott in view of Crespo teaches capability and concept for:

if the identifier containing unique identifying information about the recipient is not present on the computing device [Crespo, Fig. 7 and associated disclosure]:

causing a text field to be displayed in at least a portion of the advertisement **(soliciting recipients to become subscribing members of service provider's services by acquiring their contact information is old and known business practice)**. Crespo teaches capability and concept for soliciting user to get permission for creating record of contact information to be used for communication [Crespo, Fig. 7 and associated disclosure];

receiving contact information inputted into the text field by the recipient (Crespo teaches capability for using recipient's email address) [Crespo, Fig. 7 and associated disclosure];

generating a user profile associated with the recipient based on the contact information [Crespo, Fig. 7 and associated disclosure]; and

causing an identifier associated with the user profile to be stored on the computing device of the recipient **(using of cookies to identify recipients which is stored on recipients computing device is an old and known technology used by businesses in advertising industry)** [Crespo, Fig. 3 and associated disclosure]; and

if the identifier containing unique identifying information about the recipient is present on the computing device [Crespo, Fig. 7 and associated disclosure]:

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retrieving a user profile associated with the recipient from a visitor information database using at least a portion of the identifier, wherein the user profile comprises at least delivery method preferences and demographic information [Crespo, Fig. 7 and associated disclosure];

retrieving additional information associated with the advertisement based on at least a portion of the user profile associated with the recipient [Elliott, Fig. 3 and associated disclosure];

delivering the additional information to the recipient based on the delivery method preferences, the delivering being performed without interrupting the browsing session of the recipient [Elliott, Fig. 3 and associated disclosure]; and

recording the activation by the recipient of the interactive element as recipient tracking data in an analytics server, the recipient tracking data being associated with the unique identifying information about the recipient (Subscriber database with historical information about advertisements to which recipient has previously responded to) [Elliott, 0016].

Regarding claim 19, Elliott in view of Crespo teaches capability and concept for:
causing an interface option to be displayed in at least a portion of the advertisement, wherein the interface option can include a plurality of delivery methods selectable by the recipient (Crespo solicits recipient whether they want further information using their own email or anonymous email) [Crespo, Fig. 7 and associated disclosure];

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receiving an indication of at least one delivery method selected by the recipient [Crespo, Fig. 7 and associated disclosure]; and

updating the delivery method preferences in the user profile of the recipient to reflect the at least one delivery method selected by the recipient (**allowing recipients to change their delivery preference is old and known business practice known to one of ordinary skill in the art**) [Elliott, Fig. 3; Crespo, Fig. 7 and associated disclosure].

Regarding claim 20, as responded to earlier, Elliott in view of Crespo teaches capability and concept for:

causing a plurality of selectable delivery preference options to be displayed in at least a portion of the advertisement, the plurality of selectable delivery preference options including types of additional information available for delivery to the recipient [Crespo, Fig. 7 and associated disclosure];

receiving an indication of at least one delivery preference selected by the recipient [Crespo, Fig. 7 and associated disclosure]; and

updating the user profile of the recipient to reflect the at least one delivery preference selected by the recipient (**allowing recipients to change their delivery preference is old and known business practice known to one of ordinary skill in the art**) [Elliott, Fig. 3; Crespo, Fig. 7 and associated disclosure].

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Regarding claim 21, as responded to earlier, Elliott in view of Crespo teaches capability and concept for:

providing a further advertisement associated with a third party for display in a further network communication delivered to the computing device of the recipient, wherein the further advertisement contains a further interactive element displayed within the further advertisement, and wherein the further network communication is associated with a fourth party different than the third party [Elliott, Fig. 3; Crespo, Fig. 7 and associated disclosure];

receiving an indication that the recipient activated the further interactive element displayed within the further advertisement [Elliott, Fig. 3; Crespo, Fig. 7 and associated disclosure];

if the identifier containing unique identifying information about the recipient is present on the computing device [Crespo, Fig. 7 and associated disclosure]:

retrieving the user profile associated with the recipient from the visitor information database using at least a portion of the identifier [Crespo, Fig. 7 and associated disclosure];

retrieving further additional information associated with the further advertisement based on at least a portion of the user profile associated with the recipient [Elliott, Fig. 3 and associated disclosure];

delivering the further additional information to the recipient based on the delivery method preferences, the delivering being performed without interrupting the browsing session of the recipient [Elliott, Fig. 3 and associated disclosure]; and

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recording the activation by the recipient of the further interactive element as recipient tracking data in the analytics server [Elliott, 0016].

Response to Arguments

Applicant's arguments and concerns are for newly added claims which have been responded to in response to pending claims.

Conclusion

Applicant is required under 37 CFR '1.111 (c) to consider the references fully when responding to this office action.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NARESH VIG whose telephone number is (571) 272-6810. The examiner can normally be reached on Mon-Thu 7:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Naresh Vig/
Primary Examiner, Art Unit 3688

Notice of References Cited	Application/Control No. 12/731,973		Applicant(s)/Patent Under Reexamination BOOTH ET AL.	
	Examiner NARESH VIG		Art Unit 3688	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2006/0149630	07-2006	Elliott et al.	705/014
*	B	US-2011/0246593	10-2011	Crespo et al.	709/206
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



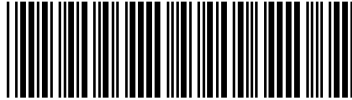
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BIB DATA SHEET


CONFIRMATION NO. 2161

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.		
12/731,973	03/25/2010	705	3688	42129.6		
RULE						
APPLICANTS Timothy L. Booth, Murphy, TX; Shawn Sandifer, Frisco, TX; ** CONTINUING DATA ***** This appln claims benefit of 61/163,132 03/25/2009 ** FOREIGN APPLICATIONS ***** ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** ** SMALL ENTITY ** 06/11/2010						
Foreign Priority claimed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 35 USC 119(a-d) conditions met <input type="checkbox"/> Yes <input type="checkbox"/> No Verified and Acknowledged <u>/NARESH VIG/</u> Examiner's Signature		<input type="checkbox"/> Met after Allowance Initials	STATE OR COUNTRY TX	SHEETS DRAWINGS 5	TOTAL CLAIMS 17	INDEPENDENT CLAIMS 3
ADDRESS HAYNES AND BOONE, LLP IP Section 2323 Victory Avenue Suite 700 Dallas, TX 75219 UNITED STATES						
TITLE System and Method of On-line Advertising						
FILING FEE RECEIVED 557	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit			

<i>Index of Claims</i> 	Application/Control No. 12731973	Applicant(s)/Patent Under Reexamination BOOTH ET AL.
	Examiner NARESH VIG	Art Unit 3688

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant		<input type="checkbox"/> CPA		<input type="checkbox"/> T.D.		<input type="checkbox"/> R.1.47			
CLAIM		DATE							
Final	Original	04/03/2012	12/01/2012	06/01/2013					
	1	✓	÷	N					
	2	✓	÷	N					
	3	✓	-	-					
	4	✓	÷	N					
	5	✓	÷	N					
	6	✓	÷	N					
	7	✓	÷	N					
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	16	✓	÷	N					
	17	✓	-	-					
	18		÷	✓					
	19		÷	✓					
	20		÷	✓					
	21		÷	✓					

Search Notes 	Application/Control No. 12731973	Applicant(s)/Patent Under Reexamination BOOTH ET AL.
	Examiner NARESH VIG	Art Unit 3688

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
705	14.73	04/03/2012	nvig

SEARCH NOTES		
Search Notes	Date	Examiner
EAST; PLUS; ip.com	04/03/2012	nvig
EAST; Google.com/patents	06/01/2013	nvig

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

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Doc Code: AP.PRE.REQ

PTO/SB/33 (07-09)

Approved for use through 07/31/2012. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 42129.6	
<p style="text-align: center;"><i>Filed via EFS</i></p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on <u>10-4-13</u></p> <p>Signature <u>Carol Marstaller</u></p> <p>Typed or printed name <u>Carol Marstaller</u></p>		<p>Application Number 12/731,973</p> <p>Filed March 25, 2010</p> <p>First Named Inventor Timothy L. Booth</p> <p>Art Unit 3688</p> <p>Examiner Naresh Vig</p>	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p>			
<p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>70,297</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p>		<p style="text-align: center;"> Signature</p> <p><u>Scott T. Jarratt</u> Typed or printed name</p> <p><u>972-739-8663</u> Telephone number</p> <p><u>October 4, 2013</u> Date</p>	
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			
<p><input type="checkbox"/> *Total of _____ forms are submitted.</p>			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/22 (03-13)

Approved for use through 3/31/2013. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional) 42129.6
Application Number 12/731,973	Filed March 25, 2010	
For System and Method of On-Line Advertising		
Art Unit 3688	Examiner Naresh Vig	

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	<u>Fee</u>	<u>Small Entity Fee</u>	<u>Micro Entity Fee</u>	
<input checked="" type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$200	\$100	\$50	\$ <u>100.00</u>
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$600	\$300	\$150	\$ _____
<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1,400	\$700	\$350	\$ _____
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$2,200	\$1,100	\$550	\$ _____
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$3,000	\$1,500	\$750	\$ _____

☒ Applicant asserts small entity status. See 37 CFR 1.27.

☐ Applicant certifies micro entity status. See 37 CFR 1.29.
Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously.

☐ A check in the amount of the fee is enclosed.

☒ Payment by credit card. ~~Form PTO-2038 is attached.~~

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to
Deposit Account Number 081394

☒ Payment made via EFS-Web.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

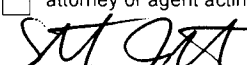
I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71. 37 CFR 3.73(b) statement is enclosed (Form PTO/SB/96).

☒ attorney or agent of record. Registration number 70,297

☐ attorney or agent acting under 37 CFR 1.34. Registration number _____



Signature

October 4, 2013

Date

Scott T. Jarratt

Typed or printed name

972-739-8663

Telephone Number

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. Submit multiple forms if more than one signature is required, see below*.

☐ * Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	§	Attorney Docket No.:	42129.6
Timothy L. BOOTH	§		
	§	Group Art Unit:	3688
Application No.: 12/731,973	§		
	§	Examiner:	Naresh Vig
Filed: March 25, 2010	§		
	§	Confirmation No.:	2161
For: SYSTEM AND METHOD OF	§		
ON-LINE ADVERTISING	§		

Mail Stop AF

Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

REASONS IN SUPPORT OF PRE-APPEAL BRIEF REQUEST FOR REVIEW

In the Final Office Action mailed June 4, 2013, claims 18-21 were rejected. It is respectfully submitted that the rejection of claims 18-21 is in clear error and should be withdrawn. Please consider the following reasons in support of the concurrently filed Pre-Appeal Brief Request for Review.

A Notice of Appeal and appropriate fees are being submitted herewith. If any additional fees are necessary, the Commissioner is hereby authorized to charge any such fees to Haynes and Boone, LLP's Deposit Account No. 08-1394.

Claim Rejections – 35 U.S.C. § 112

Claims 18-21 stand rejected under the second paragraph of 35 U.S.C. § 112 as failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Specifically, on pages 2-3 of the Final Office Action, the Examiner asserts that the limitation in claim 18 of "recording the activation by the recipient . . ." is an "insignificant activity" because "Applicant has not positively claimed how said tracking of user activation of advertisements is tied to the claimed invention." Applicants respectfully submit that this rejection is in clear error.

In more detail, Applicants have reviewed the pertinent portions of the MPEP related to

patentability under the second paragraph of § 112 and are unable to locate any language regarding “insignificant activity.” It is the Applicants’ understanding that whether or not a claim is definite under the second paragraph of § 112 turns on whether the claim “clearly and precisely inform[s] persons skilled in the art of the boundaries of protected subject matter.” MPEP § 2173. In that regard, Applicants respectfully submit that all the limitations of claim 18 are clear to one of ordinary skill in the art, and that claim 18 is definite under the second paragraph of § 112.

However, in the interest of completeness, Applicants additionally respectfully submit that “recording the activation by the recipient . . .” is indeed tied to the remainder of claim 18, and is not an insignificant activity. In that regard, MPEP § 2173.02(II) states that “the examiner must consider the claim as a whole to determine whether the claim apprises one of ordinary skill in the art of its scope” (emphasis added). Here, the Examiner asserts that “said collected tracking information is not used in the claimed invention.” Applicants respectfully disagree. For example, the objected to limitation clearly recites associating the recipient tracking data with “the unique identifying information about the recipient,” which is recited in other limitations of claim 18.

Accordingly, based on the above, Applicants respectfully submit that claim 18 particularly point out and distinctly claim the subject matter therein, and thus the rejection of claims 18-21 under the second paragraph of § 112 is in clear error.

Claim Rejections – 35 U.S.C. § 103

Claims 18-21 additionally stand rejected under 35 U.S.C. § 103 as being unpatentable over United States Patent Application Publication No. 2006/0149630 to Elliot et al. (“Elliot”) and United States Patent Application Publication No. 2011/0246593 to Crespo et al. (“Crespo”). Applicants respectfully submit this rejection is in clear error.

The PTO provides in MPEP § 2131 that

“The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness.”

Here, the Examiner clearly cannot, using Elliot and Crespo, establish a *prima facie* case of obviousness with respect to independent claim 18 because: (i) even when combined, the references fail to disclose all of the recited features of the claims, and (ii) the Examiner fails to

provide a reasonable articulated basis to arrive at the claimed invention, but instead is impermissibly relying on hindsight reasoning.

First, Applicants respectfully submit that, even when combined, the portions of Elliot and Crespo cited by the Examiner at least fail to disclose “determining, in response to the receiving the indication, whether an identifier containing unique identifying information about the recipient is present on the computing device,” and subsequently performing alternate method steps based on the determination, as recited in claim 18. In more detail, the Examiner acknowledges that Elliot fails to disclose this limitation but asserts that Fig. 7 and its associated disclosure in Crespo does, and that it would be obvious to modify Elliot in view of Crespo. However, Applicants respectfully submit that Fig. 7 of Crespo also fails to disclose “determining, in response to the receiving the indication, whether an identifier containing unique identifying information about the recipient is present on the computing device,” as recited in claim 18. In that regard, paragraph [0075] of Crespo explains that in Fig. 7, it is determined “whether an anonymous email address exists for the received customer ID and merchant ID.” This determination is distinctly different than the claimed determination because (i) the former seeks to determine the existence of anonymous information about a customer, whereas the latter seeks to determine the existence of unique identifying information about a recipient. Moreover, Crespo’s determination requires that identifying information about a customer (e.g., customer ID) already be known, whereas the claimed determination seeks to determine whether unique identifying information about a recipient exists at all.

Additionally, claim 18 recites the performance of alternate method steps based on the determination of whether identifying information about a recipient is present on the recipient’s computing device. Elliot and Crespo, even when combined, fail to disclose performing every method step recited in the decision tree of claim 18. For example, none of the portions of Elliot or Crespo cited by the Examiner disclose “causing a text field to be displayed in at least a portion of the advertisement” when identifying information about a recipient is not present on the recipient’s computing device. Although Crespo discloses that a customer may enter an email address into a field on a checkout confirmation page (Fig. 10), this field is (i) not displayed in a portion of an advertisement and (ii) is not displayed in response to a determination that identifying information is not present on a recipient’s computing device. Accordingly, even when combined, Elliot and Crespo fail to disclose all of the recited features of the claims.

Second, as mentioned above, Applicants respectfully submit that the Examiner is impermissibly relying on hindsight reasoning in the obviousness rejection of claim 18. In that regard, MPEP §2141(III) states that “[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious.” Furthermore, the MPEP states that while “[a]ny judgment on obviousness is in a sense necessarily a reconstruction based on hindsight reasoning,” it cannot “include knowledge gleaned only from applicant’s disclosure.” MPEP § 2145, citing to *In re McLaughlin* 443 F.2d 1392, 1395, 170 USPQ 209, 212 (CCPA 1971). Moreover, the PTO Board has stated “[i]t is impermissible to use the claimed invention as an instruction manual or ‘template’ to piece together the teaching of the prior art so that the claimed invention is rendered obvious” *Ex Parte Hawkins*, Appeal 2009-000134 p.8. (BPAI Sept. 14, 2009) (emphasis added).

Here, the Examiner fails to provide a reasonable articulated basis to arrive at the claimed invention, but instead is using the claimed invention as an instruction manual. In more detail, the Examiner explicitly acknowledges that Elliot fails to disclose the recitations in claim 18 of “causing a text field to be displayed in at least a portion of the advertisement” and “receiving contact information inputted into the text field by the recipient” but asserts that it would be obvious to modify the advertising method of Elliot in view of Crespo to include such steps. However, the Examiner fails to articulate a reasonable explanation as to why one of ordinary skill in the art would make such a modification. In fact, Applicants respectfully submit that one of ordinary skill in the art would not make such a modification to Elliot, because collecting customer contact information in a text field would be unnecessary in the context of Elliot’s advertising system. In that regard, Elliot discloses an advertising system for “mobile device users who are subscribers to its service,” and further discloses that

[i]f the subscriber indicates an interest in receiving additional information, e.g., by selecting a link provided as part of the advertisement, an indication of this interest is sent to the advertising intermediary. The advertising intermediary in one embodiment includes preference information about the subscriber’s preferred medium by which to receive additional information, e.g., via e-mail, postal mail, etc. Elliot, [0009].

In other words, when a subscriber selects an ad, Elliot’s advertising system is already in possession of contact information for the subscriber, rendering it unnecessary to display a text input field and collect the subscriber’s contact information in order to send additional

Application No.: 12/731,973
 Pre-Appeal Brief

Attorney Docket No.: 42129.6
 Customer No.: 27683

information. Accordingly, one of ordinary skill in the art would not modify Elliot in view of Crepo in the manner asserted by the Examiner, making it is clear the Office has impermissibly used "the claimed invention as an instruction manual or 'template' to piece together the teaching of the prior art so that the claimed invention is rendered obvious." *Ex Parte Hawkins*, p.8.

Accordingly, for at least these reasons, even when combined the Elliot and Crespo cannot establish a *prima facie* case of obviousness with respect to independent claim 18 or dependent claims 19-21. Therefore, there is clear error with the § 103 rejection of claims 18-21.

Conclusion

Applicants have shown clear legal deficiency and error in all of the Examiner's rejections. Therefore, it is respectfully requested that the rejections be withdrawn, prosecution be reopened, and all of the claims be allowed.

Respectfully submitted,



Scott T. Jarratt
 Reg. No. 70,297


Dated: 10/4/2013

HAYNES AND BOONE, LLP
 Customer No. 27683
 Telephone: 972/739-8663
 Facsimile: 214/200-0853
 Client Matter No.: 42129.6

File: R-42129 6 - Pre-appeal Brief_345409(1).DOC

Certificate of Service

I hereby certify that this correspondence is being filed with the U.S. Patent and Trademark Office via EFS-Web on 10-4-13


 Carol Marstaller

PTO/SB/31 (09-12)

Approved for use through 01/31/2013. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

NOTICE OF APPEAL FROM THE EXAMINER TO THE PATENT TRIAL AND APPEAL BOARD		Docket Number (Optional) 42129.6	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO EFS-Web transmitted to the USPTO , or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>10-4-13</u> Signature <u>Carol Marstaller</u> Typed or printed name <u>Carol Marstaller</u>		In re Application of <u>Timothy L. Booth</u> <hr/> Application Number <u>12/731,973</u> Filed <u>March 25, 2010</u> <hr/> For <u>System and Method of On-Line Advertising</u> <hr/> Art Unit <u>3688</u> Examiner <u>Naresh Vig</u>	

Applicant hereby **appeals** to the Patent Trial and Appeal Board from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) \$ 800.00

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ 400.00

☐ A check in the amount of the fee is enclosed.

☒ Payment by credit card. ~~Form PTO-2038 is attached.~~

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 081394

☒ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record. 70,297 972-739-8663
Registration number Telephone number

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34. October 4, 2013
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Electronic Patent Application Fee Transmittal

Application Number:	12731973			
Filing Date:	25-Mar-2010			
Title of Invention:	System and Method of On-line Advertising			
First Named Inventor/Applicant Name:	Timothy L. Booth			
Filer:	Scott Taylor Jarratt/Carol Marstaller			
Attorney Docket Number:	42129.6			
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Notice of Appeal	2401	1	400	400
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension - 1 month with \$0 paid	2251	1	100	100
Miscellaneous:				
Total in USD (\$)				500

Electronic Acknowledgement Receipt

EFS ID:	17047893
Application Number:	12731973
International Application Number:	
Confirmation Number:	2161
Title of Invention:	System and Method of On-line Advertising
First Named Inventor/Applicant Name:	Timothy L. Booth
Customer Number:	27683
Filer:	Scott Taylor Jarratt/Carol Marstaller
Filer Authorized By:	Scott Taylor Jarratt
Attorney Docket Number:	42129.6
Receipt Date:	04-OCT-2013
Filing Date:	25-MAR-2010
Time Stamp:	18:29:42
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$ 500
RAM confirmation Number	5505
Deposit Account	081394
Authorized User	JARRATT, SCOTT

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Pre-Brief Conference request	42129-6_Pre-Appeal_Brief_Request.pdf	46691 d8cac1614e4c309b1872d03abcf5974d37061044	no	1
Warnings:					
Information:					
2	Extension of Time	42129-6_Extension_of_Time.pdf	54149 4b392bac84e1e88f5fd08bfac93eb0f63c944307	no	1
Warnings:					
Information:					
3	Pre-Brief Conference request	42129-6_Pre-Appeal_Brief.pdf	252683 643d4ac471496f0d0abc9483a61e60d0e7fc2515	no	5
Warnings:					
Information:					
4	Notice of Appeal Filed	42129-6_Notice_of_Appeal.pdf	55719 5d79f968ef7833a6ca7d4d6fa4bbbeb9afb79e4	no	1
Warnings:					
Information:					
5	Fee Worksheet (SB06)	fee-info.pdf	31630 49d2e74aac69b817479845491239f81dae8bd3ac	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			440872		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/731,973	03/25/2010	Timothy L. Booth	42129.6	2161

27683 7590 11/04/2013

HAYNES AND BOONE, LLP

IP Section

2323 Victory Avenue

Suite 700

Dallas, TX 75219

EXAMINER

VIG, NARESH

ART UNIT

PAPER NUMBER

3688

MAIL DATE

DELIVERY MODE

11/04/2013

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

12/731,973

Examiner

NARESH VIG

Applicant(s)

BOOTH ET AL.

Art Unit

3688

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 05 March 2013 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

/Naresh Vig/
Primary Examiner, Art Unit 3688

Applicant had cancelled all of previously pending claims and added new claims 37 - 71. Newly added claims 45 and 46 are missing from the Preliminary Amendment filed 03 March 2013



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UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/731,973	03/25/2010	Timothy L. Booth	42129.6	2161

27683 7590 11/26/2013

HAYNES AND BOONE, LLP

IP Section

2323 Victory Avenue

Suite 700

Dallas, TX 75219

EXAMINER

VIG, NARESH

ART UNIT

PAPER NUMBER

3688

MAIL DATE

DELIVERY MODE

11/26/2013

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of Panel Decision from Pre-Appeal Brief Review

Application No.

12/731,973

Applicant(s)

BOOTH ET AL.

Examiner

NARESH VIG

Art Unit

3688

This is in response to the Pre-Appeal Brief Request for Review filed 04 October, 2013.

1. ☐ **Improper Request** – The Request is improper and a conference will not be held for the following reason(s):

- ☐ The Notice of Appeal has not been filed concurrent with the Pre-Appeal Brief Request.
- ☐ The request does not include reasons why a review is appropriate.
- ☐ A proposed amendment is included with the Pre-Appeal Brief request.
- ☐ Other: .

The time period for filing a response continues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received.

2. ☐ **Proceed to Board of Patent Appeals and Interferences** – A Pre-Appeal Brief conference has been held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable.

- ☐ The panel has determined the status of the claim(s) is as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

3. ☐ **Allowable application** – A conference has been held. The rejection is withdrawn and a Notice of Allowance will be mailed. Prosecution on the merits remains closed. No further action is required by applicant at this time.

4. ☒ **Reopen Prosecution** – A conference has been held. The rejection is withdrawn and a new Office action will be mailed. No further action is required by applicant at this time.

All participants:

(1) NARESH VIG.

(3) SABA DAGNEW.

(2) JOHN WEISS.

(4) _____.

/Naresh Vig/
Primary Examiner, Art Unit 3688

SABA DAGNEW/
Primary Examiner, Art Unit 3688

/JOHN G WEISS/
Supervisory Patent Examiner, Art
Unit 3688



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
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NOTICE OF ALLOWANCE AND FEE(S) DUE

27683 7590 01/08/2014
 HAYNES AND BOONE, LLP
 IP Section
 2323 Victory Avenue
 Suite 700
 Dallas, TX 75219

EXAMINER

VIG, NARESH

ART UNIT

PAPER NUMBER

3688

DATE MAILED: 01/08/2014

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

12/731,973

03/25/2010

Timothy L. Booth

42129.6

2161

TITLE OF INVENTION: SYSTEM AND METHOD OF ON-LINE ADVERTISING

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
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nonprovisional

SMALL

\$480

\$0

\$0

\$480

04/08/2014

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity fees.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

27683 7590 01/08/2014
HAYNES AND BOONE, LLP
 IP Section
 2323 Victory Avenue
 Suite 700
 Dallas, TX 75219

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/731,973	03/25/2010	Timothy L. Booth	42129.6	2161

TITLE OF INVENTION: SYSTEM AND METHOD OF ON-LINE ADVERTISING

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	\$480	\$0	\$0	\$480	04/08/2014

EXAMINER	ART UNIT	CLASS-SUBCLASS
VIG, NARESH	3688	705-014730

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) The names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
- (2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
- 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ Applicant certifying micro entity status. See 37 CFR 1.29
- ☐ Applicant asserting small entity status. See 37 CFR 1.27
- ☐ Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.

NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.

NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____



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 United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/731,973	03/25/2010	Timothy L. Booth	42129.6	2161

27683 7590 01/08/2014
 HAYNES AND BOONE, LLP
 IP Section
 2323 Victory Avenue
 Suite 700
 Dallas, TX 75219

EXAMINER

VIG, NARESH

ART UNIT	PAPER NUMBER
----------	--------------

3688

DATE MAILED: 01/08/2014

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
 (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 175 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 175 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

OMB Clearance and PRA Burden Statement for PTOL-85 Part B

The Paperwork Reduction Act (PRA) of 1995 requires Federal agencies to obtain Office of Management and Budget approval before requesting most types of information from the public. When OMB approves an agency request to collect information from the public, OMB (i) provides a valid OMB Control Number and expiration date for the agency to display on the instrument that will be used to collect the information and (ii) requires the agency to inform the public about the OMB Control Number's legal significance in accordance with 5 CFR 1320.5(b).

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.** Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Notice of Allowability	Application No. 12/731,973	Applicant(s) BOOTH ET AL.	
	Examiner NARESH VIG	Art Unit 3688	AIA (First Inventor to File) Status No

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication received 04 October 2013.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.
2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.
3. ☒ The allowed claim(s) is/are 18-21. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

a) ☐ All b) ☐ Some *c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

<ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____ 3. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material 4. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____ 	<ol style="list-style-type: none"> 5. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 6. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 7. <input type="checkbox"/> Other _____
---	--

/NARESH VIG/ Primary Examiner, Art Unit 3688	
---	--

Application/Control Number: 12/731,973
Art Unit: 3688

Page 2

DETAILED ACTION

This is in reference to communication mailed 04 October 2013. The present application is being examined under the pre-AIA first to invent provisions.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given by Scott T. Jarratt (Registration Number 70,297) on 02 January 2014.

The application has been amended as follows:

Claims 1 – 2 Cancelled

Claims 4 – 10 Cancelled

Claims 12 – 16 Cancelled

Application/Control Number: 12/731,973
Art Unit: 3688

Page 3

Reason For Allowance

The following is an examiner's statement of reasons for allowance.

The Applicant's remarks/arguments dated 04 October 2013 regarding claim rejections over Elliot et al. US Publication 2006/0149630 in view of Crespo et al. US Publication 2011/0246593 deemed as the closest prior art of record, are persuasive and are incorporated by reference herein as the reasons for allowance of claims 18 – 21.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Application/Control Number: 12/731,973
Art Unit: 3688

Page 4

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NARESH VIG whose telephone number is (571)272-6810. The examiner can normally be reached on Mon-Thu 7:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

January 2, 2014

/NARESH VIG/
Primary Examiner, Art Unit 3688


[illegible]

CPC Combination Sets				
Symbol	Type	Set	Ranking	Version

NONE		Total Claims Allowed:	
(Assistant Examiner)	(Date)	4	
/NARESH VIG/ Primary Examiner.Art Unit 3688	12/23/2013	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	18	4


[illegible]

NONE		Total Claims Allowed:	
(Assistant Examiner)	(Date)	4	
/NARESH VIG/ Primary Examiner.Art Unit 3688	12/23/2013	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	18	4

Issue Classification 	Application/Control No. 12731973	Applicant(s)/Patent Under Reexamination BOOTH ET AL.
	Examiner NARESH VIG	Art Unit 3688


<input type="checkbox"/> Claims renumbered in the same order as presented by applicant				<input type="checkbox"/> CPA				<input type="checkbox"/> T.D.				<input type="checkbox"/> R.1.47			
Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
	1		17												
	2	1	18												
	3	2	19												
	4	3	20												
	5	4	21												
	6														
	7														
	8														
	9														
	10														
	11														
	12														
	13														
	14														
	15														
	16														

NONE		Total Claims Allowed:	
		4	
(Assistant Examiner)	(Date)	O.G. Print Claim(s)	O.G. Print Figure
/NARESH VIG/ Primary Examiner.Art Unit 3688	12/23/2013	18	4
(Primary Examiner)	(Date)		

<i>Index of Claims</i> 	Application/Control No. 12731973	Applicant(s)/Patent Under Reexamination BOOTH ET AL.
	Examiner NARESH VIG	Art Unit 3688

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant						<input type="checkbox"/> CPA		<input type="checkbox"/> T.D.		<input type="checkbox"/> R.1.47	
CLAIM		DATE									
Final	Original	04/03/2012	12/01/2012	06/01/2013	12/23/2013						
	1	✓	÷	N	-						
	2	✓	÷	N	-						
	3	✓	-	-	-						
	4	✓	÷	N	-						
	5	✓	÷	N	-						
	6	✓	÷	N	-						
	7	✓	÷	N	-						
	8	✓	÷	N	-						
	9	✓	÷	N	-						
	10	✓	÷	N	-						
	11	✓	-	-	-						
	12	✓	÷	N	-						
	13	✓	÷	N	-						
	14	✓	÷	N	-						
	15	✓	÷	N	-						
	16	✓	÷	N	-						
	17	✓	-	-	-						
1	18		÷	✓	=						
2	19		÷	✓	=						
3	20		÷	✓	=						
4	21		÷	✓	=						

Search Notes 	Application/Control No. 12731973	Applicant(s)/Patent Under Reexamination BOOTH ET AL.
	Examiner NARESH VIG	Art Unit 3688

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
705	14.73	04/03/2012	nvig

SEARCH NOTES		
Search Notes	Date	Examiner
EAST; PLUS; ip.com	04/03/2012	nvig
EAST; Google.com/patents	06/01/2013	nvig

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner
705	14.73	12/23/2013	nvig

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PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
 or **Fax** **(571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

27683 7590 01/08/2014
HAYNES AND BOONE, LLP
 IP Section
 2323 Victory Avenue
 Suite 700
 Dallas, TX 75219

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE; address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

Karen Vertz	(Depositor's name)
<i>Karen Vertz</i>	(Signature)
March 20, 2014	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/31/973	03/25/2010	Timothy L. Booth	42129.6	2161

TITLE OF INVENTION: SYSTEM AND METHOD OF ON-LINE ADVERTISING

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	\$480	\$0	\$0	\$480	04/08/2014

EXAMINER	ART UNIT	CLASS-SUBCLASS
VIG, NARESH	3688	705-014730

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.563)

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) The names of up to 3 registered patent attorneys or agents OR, alternatively,
 (2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 **Haynes and Boone, LLP**

2

3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

COR, INC.

Plano, Texas

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☒ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☒ Payment by credit card. ~~From PTO-2038 is attached~~
☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number **08-1394** (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ Applicant certifying micro entity status. See 37 CFR 1.29
☐ Applicant asserting small entity status. See 37 CFR 1.27
☐ Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.

NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.

NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature

Andrew S. Ehmke

Date **March 20, 2014**

Typed or printed name

Registration No. **50,271**

Electronic Patent Application Fee Transmittal

Application Number:	12731973			
Filing Date:	25-Mar-2010			
Title of Invention:	SYSTEM AND METHOD OF ON-LINE ADVERTISING			
First Named Inventor/Applicant Name:	Timothy L. Booth			
Filer:	Andrew s. Ehmke/Karen Vertz			
Attorney Docket Number:	42129.6			
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Utility Appl Issue Fee	2501	1	480	480
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				480

Electronic Acknowledgement Receipt

EFS ID:	18535644
Application Number:	12731973
International Application Number:	
Confirmation Number:	2161
Title of Invention:	SYSTEM AND METHOD OF ON-LINE ADVERTISING
First Named Inventor/Applicant Name:	Timothy L. Booth
Customer Number:	27683
Filer:	Andrew s. Ehmke/Karen Vertz
Filer Authorized By:	Andrew s. Ehmke
Attorney Docket Number:	42129.6
Receipt Date:	20-MAR-2014
Filing Date:	25-MAR-2010
Time Stamp:	14:18:40
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$480
RAM confirmation Number	524
Deposit Account	081394
Authorized User	EHMKE, ANDREW S.

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Issue Fee Payment (PTO-85B)	42129-6_IssueFeePayment.pdf	119238 c6e4995c8c0530acd8f619f8d8cafb27340c5cf	no	1

Warnings:**Information:**

2	Fee Worksheet (SB06)	fee-info.pdf	30392 7ed809f6720b03b14d051b8453fbc5c401c6370b	no	2
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Warnings:**Information:**

Total Files Size (in bytes):			149630
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/731,973	05/06/2014	8719101	42129.6	2161

27683 7590 04/16/2014

HAYNES AND BOONE, LLP
 IP Section
 2323 Victory Avenue
 Suite 700
 Dallas, TX 75219

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
 (application filed on or after May 29, 2000)

The Patent Term Adjustment is 485 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Application Assistance Unit (AAU) of the Office of Data Management (ODM) at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

Timothy L. Booth, Murphy, TX;
 Shawn Sandifer, Frisco, TX;

The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage and facilitate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit SelectUSA.gov.